Supreme Court, U. S.
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APPENDIX H OF PETITION

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1971

No. 71-1177

ALTON J. BAILEY, LEROY SMITH, and THE GENERAL LONGSHOREWORKERS INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL UNION NO. 1830, PORT ALLEN, LOUISIANA.

Petitioners

VERSUS

GEORGE DIXON, THOMAS W. GLEASON, RALPH MASSEY, MARK L. YOUNG, AND THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION

Respondents

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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HEARING BEFORE THE COMMITTEE OF THE EXECUTIVE COUNCIL OF THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION APPOINTED TO HEAR EVIDENCE RE CHARGES FILED AGAINST PRESIDENT ALTON J. BAILEY, PRESIDENT OF LOCAL 1830, AND ON REQUEST OF MEMBERS OF LOCAL 1830 FOR THE ESTABLISHMENT OF A TRUSTEESHIP OVER THE LOCAL, HELD ON THE 12TH DAY OF AUGUST, 1969, IN THE LOUISIANA ROOM OF THE JACK TAR CAPITOL HOUSE HOTEL, BATON ROUGE, LOUISIANA, COMMENCING AT 11:00 A.M.

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Emrick Portree	285-288	288-290		
John Harvey Netter	291-292	293-307		
Leroy Smith	312-348	348-356		
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Respondent 12-A
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THE CHAIR: I will read this first letter, which is addressed to me, "Dear Sir and Brother: This is to advise you that the Executive Council has approved your appointment as Chairman of a Committee to hear and report to the Executive Council on charges filed against President Alton J. Bailey, President of Local 1830 --" --

MR. JONES: Bill, before you proceed with that we are going to ask for a sequestration of witnesses. Why don't you leave that until --

THE CHAIR: What we're trying to do -- we want them to hear this, Mr. Jones.

MR. CHITTENDEN: Let them remain, because -- gentlemen, we would like to repeat one thing to all of you, that this hearing is being run by the International Longshoremen's Association. Mr. Hopkins is the chairman; Mr. Henry is a member, and I am a Member. We certainly are going to act just like he is a criminal or a federal judge. So address your remarks to the chair, and remember if he requires

anything just adhere to that because after all we are in charge of this thing. That goes for all of your attorneys also. Just make sure you conduct yourself accordingly. Now, everybody is going to get a fair hearing and everybody is going to get every consideration on both sides. So just don't get excited about it. We're here to hear it and to give you a fair and impartial hearing.

THE CHAIR: All right, I'll read this letter again. "This is to advise you that the Executive Council has approved your appointment as Chairman of a Committee to hear and report to the Executive Council on charges filed against President Alton J. Bailey, President of Local 1830, and on the request of members of Local 1830 for the establishment of a trusteeship over the Local. The other members of the Committee are Vice Presidents Alfred Chittenden and Clarency Henry of New Orleans, Louisiana. A hearing has been scheduled to be held on July 29, 1969 at 11:00 A.M. at the Jack Tar Hotel, Industrial

Room, Lafayette Street, Baton Rouge, Louisiana. With kindest personal regards, I remain Sincerely and Fraternally, Thomas W. Gleason, International President." Then on July 27 Mr. Gladney called me and asked for a postponement of the hearing, and I stated to Mr. Gladney that I had no authority to postpone the hearing and that we were going to proceed with the hearing as stated. And on July 28 I received a telegram from Mr. Gleason addressed to me, "At the request of Mr. Joseph Gladney attorney for Alton J. Bailey the hearing set for Tuesday, July 29th, 1969, at the Jack Tar Hotel has been adjourned to August 12th, 1969, at the same time and place. Thomas W. Gleason, Intl. President." Now, before the witnesses are excused I will read the charges. "TO THE HONORABLE PRESIDENT AND EXECUTIVE BOARD OF THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION: We, the undersigned members in good standing of the International Longshoremen's Association do hereby petition the

International as follows: That an election of officers of the Local was held in January of this year under the auspices of the International.

"That intimidation, threats and other coercion was used on the membership of the said Local which unduly influenced the outcome of the said election;

"That the contract negotiated by the representatives of this Local and Local 1833 was submitted to the membership of both Locals. A referendum election conducted on February 22, 1969, at Port Allen, Louisiana;

"That the contract was rejected at the said referendum by virtue of intimidation, threats and other coercion exerted upon the membership of Local 1830 by the newly elected officers and Board of the said Local; and

"That the actions of the said newly elected officers of Local 1830 have been such as to cause a complete breakdown of the collective

bargaining system at the Port of Greater Baton Rouge, causing hardship and misery to be inflicted upon the membership of this Local; and,

"That the president, Alton J. Bailey, did on the 17th day of March, 1969, fail and refuse to hold special called meeting petitioned for by the members under the terms of the Local constitution; and

"That on the 17th day of March, 1969, while personnel who worked for Cargo Carriers and at the Burnside Terminal were employed President Alton J. Bailey did allow those persons to vote on the deep sea contract for the Port of Baton Rouge; and

"WHEREAS, President Alton J. Bailey has constantly refused to hear legitimate complaints of the members of the Local;

"WHEREAS, President Alton J. Bailey has refused to attempt to bargain in good faith with sister Local 1833 and with the management of the Port of Greater Baton Rouge; and

"WHEREAS, President Alton J. Bailey has handled certain check off funds belonging to the Local, District and International for an extended period of time but has to date failed to file with the Local a bond and has indeed subverted certain funds from the checking account of the said Local and placed same in a checking account of the said Local and placed same in a checking account in the First National Bank of Port Allen which requires only his signature, all in violation of the Local and International Constitution and the laws of the United States; and

"WHEREAS, on Monday, June 16, 1969, President Alton J. Bailey, aided and assisted by certain other members of the Local, who purported to act as officers of the Local, did, in violation of the Constitution of International and in violation of the Constitution of the Local, introduce, read and pass certain legislation which amended the Constitution of the Local without notice to the membership, without due reading

as required by the Local Constitution and without due reading at two successive meetings, all in violation of the Constitution of Local 1830 and the International Constitution; and

"WHEREAS, the duly elected financial secretary and the duly elected recording secretary have been excluded from the union hall, their minutes and other documents required for the performance of their duties having been taken into the exclusive custody of President Alton J. Bailey; and,

"WHEREAS, it is the desire of the undersigned membership that the International Longshoremen's Association assume the responsibility of representing the membership of this Local until such time as an orderly democratic society can be restored,

"NOW, THEREFORE, the undersigned membership of this Association do petition the Honorable President and Executive Committee of the International Longshoremen's

Association to institute a trusteeship of the said Local under the terms and conditions outlined in the International Constitution and National Labor-Management Reporting and Disclosure Act, which trusteeship should continue until such time as the International can determine that stable and responsible leadership is restored to the Local making it possible for the membership to engage in collective bargaining with the Baton Rouge Management and govern their own affairs.

"THUS DONE AND SIGNED at Port Allen, Louisiana, this 26th day of June, 1969." Signed by a group of members. That's the charges. Now we will ask the witnesses --

MR. JONES: Would you mind naming the members who signed that to see how many signed?

THE CHAIR: On the last one, Mr. Jones, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.

MR. JONES: Will you name them for the record's sake, Bill?

THE CHAIR: Yes. Louis Harden, Youlon Young -- some of these are kind of blurred out.

MR. COLE: Mr. Chairman.

THE CHAIR: Yes, Mr. Cole.

MR. COLE: If it is agreeable with counsel and to the members of the committee, I would suggest and recommend that a copy of the petition with the affixed thereto be entered into the record and --

MR. MILLER: It will be made part of the record.

MR. COLE: -- perhaps it would satisfy counsel and answer the problem.

MR. GLADNEY: Mr. Chairman, at this time since you have read the charges may I, Joseph A. Gladney, as counsel for the local union 1830 of I.L.A. and as counsel for Alton J. Bailey, make a statement?

THE CHAIR: Yes.

MR. GLADNEY: In the first place I want to thank Mr. Chittenden for his very kind remarks that he made a few minutes ago in stating to us that this

matter will be a real fair hearing, everybody will be heard thoroughly and a complete record will be made of the facts resulting from this hearing. We thank you and we appreciate that. I want to thank Mr. Hopkins and Mr. Miller for -- at my request for having continued this hearing from July 29 till today because I had previous plans to attend a lawyers' meeting at Denver, Colorado, which I was permitted and allowed to do and at the same time be at this hearing today, and I do appreciate that consideration given me by the committee and by the president. On behalf of Mr. Alton J. Bailey, the president of Local 1830, and the officers of the union which I represent, we want to go on record as pledging to the Honorable Thomas W. Gleason, president of I.L.A., complete support of his policies, his organization, and state that in no way do the officers of this local union desire to contravene or oppose the policies established by Mr. Thomas W. Gleason as president of I.L.A., and we only oppose --

THE CHAIR: Mr. Gladney.

MR. GLADNEY: -- the hearing at this time --

THE CHAIR: Mr. Gladney.

MR. GLADNEY: Yes.

THE CHAIR: I don't mean to cut you off, but Mr. Ralph Massey is the president of the South Atlantic and Gulf Coast District, and this comes under his jurisdiction; so I just want to let you know he's in the building here.

MR. GLADNEY: Right. Thank you, sir. And we also pledge our support to Mr. Massey. I believe he is the district president. And absolutely Mr. Bailey as president and the officers will carry out the wishes of both Mr. Massey and Mr. Gleason, both the district president and the international president. Now, at the beginning we would like to file --

MR. CHITTENDEN: Mr. Gladney, before you get into that we would like to make one correction to your statement. Mr. Miller is not a member of this particular board. Mr. Clarence

Henry, international vice president, is himself a member. Mr. Hopkins is chairman and Mr. Henry and myself but not Mr. Miller.

MR. GLADNEY: Thank you. Thank you for that information as to who is on the committee. I had spoken to Mr. Miller in regard to having a continuance as well as I had spoken to other members of the committee, and they were all very kind to me and did obtain through Mr. Gleason permission to continue this, and I want to thank all of you for that consideration. At this time, with permission from the chairman, Mr. Hopkins, I would like to file with the committee what we term as an opposition to placing Local No. 1830 of the International Longshoremen's Association in trusteeship. "Now comes Local Union No. 1830 of the International Longshoremen's Association at Port Allen, Louisiana, represented herein by its duly elected president, Alton J. Bailey," and we would file the original opposition on behalf of

the local union, and at this time we would like to read this opposition-- let's see, did I -- did everyone get the same thing?

MR. COLE: Mr. Chairman, the gentleman is here from The Morning -- the reporter is here from The Morning Advocate and State Times. As members of the committee may know this -- undoubtedly know, this matter or related matters have been before the court from time to time -- Federal District Court from time to time, and due to certain pleadings which were filed they were aware of this meeting. And a gentleman is present in the meeting hall, and I felt obliged to call this point to the attention of the committee. He would like to remain and report on this hearing, but that's a matter for this committee to consider.

MR. HENRY: Mr. Cole, --

MR. COLE: Yes, sir.

MR. HENRY: -- we appreciate the interest of the press, and we realize that there probably have been some stories in the past, but

this is not a public hearing. We certainly wouldn't want anything that would get in the newspapers before the executive council or this committee make any determination whatsoever. For that reason -- that's the only reason that we will object to the press being here.

MR. COLE: That's the reason that I wanted to call it to the committee's attention that the press was here. I had already cautioned him that this was an administrative hearing and --

MR. CHITTENDEN: Because otherwise it -- not only that, it would be pre-prejudiced, because if it hits the newspaper at a time before we have a chance to express our position or even discuss it amongst ourselves it seems like he's being publicly tried for something that is our own personal business.

MR. COLE: That is correct.

MR. CHITTENDEN: We're not trying to make scapegoats out of anybody; we're just looking to try to

find out the truth and what is the best --

MR. COLE: That's the reason when the gentleman presented himself I wanted to be certain that the committee was aware he was in the room.

MR. GLADNEY: Mr. Chairman, may I now proceed with my statement?

THE CHAIR: You mean the opposition to the hearing?

MR. GLADNEY: Yes.

THE CHAIR: Mr. Gladney, why can't we to expedite time introduce that in evidence? If we continue reading all these long documents all day we are going to be here until -- I think we can enter it in evidence and we will accept it.

MR. GLADNEY: Yes, sir. Well, we offer this opposition on behalf of the Local Union No. 1830 of the International Longshoremen's Association and ask that it be made part of the record in evidence as the pleading for the union itself, briefly stating that the purposes of the union as stated

in both the International Constitution and the Local Constitution are repeated herein at this time, which the local wants to carry on in the future and has as far as I know been carrying on in the past.. And we do not think that the evidence today will show any basis or valid legal reason for placing the union in trusteeship. And with that statement on behalf of the union I would like to --

THE CHAIR: May I ask you, Mr. Gladney, before you enter that in evidence, is that opposition by the union or by a few members?

MR. GLADNEY: This opposition is on behalf of the --

THE CHAIR: Who is it on behalf of, Mr. Bailey or the union?

MR. GLADNEY: It's on behalf -- I represent the Local Union No. 1830, International Longshoremen, represented by Alton J. Bailey, and it's on behalf of Mr. Bailey and the hundred and twenty odd members of the union who have signed a petition attached to Mr. Bailey's

opposition which states this, that, "We, the undersigned members of Local #1830 I.L.A., Port Allen, La., do hereby express our complete faith and confidence in Alton J. Bailey, duly elected President of said Local #1830, and do hereby further express our complete approval of the manner in which he has conducted and is conducting the affairs of this organization, and do hereby declare that there are no conditions existing within this organization --" --

THE CHAIR: Mr. Gladney, I --

MR. GLADNEY: May I finish, sir? I'm just almost through here.

THE CHAIR: All right.

MR. GLADNEY: --"existing within this organization under which a valid trusteeship could be established and therefore we do hereby call upon the officials of the I.L.A. to discontinue their efforts to establish an invalid trusteeship over this organization based upon unfounded charges filed

by a handful of dissident members. This done and signed this 21st day of July, 1969." And it's signed by approximately 120 members of -- in good standing of Local and which is attached to the next pleading which I want to offer and make in the record, which is the opposition to the hearing on behalf of Alton J. Bailey as a member and president of Local Union 1830, I.L.A., hereinafter referred to as ILA, asks permission of this trial committee to file this, his statement opposing the authority of this trial committee to hold this hearing on charges brought by members of the Local Union No. 1830 of ILA requesting that the Local be placed in trusteeship and in opposition to said petition alleges: 1. That the charges served on --

THE CHAIR: Mr. Gladney, I ask that that not be read but be put in evidence. But what I want to get straight, Mr. Gladney, I understand that we've got two lawyers representing Local 1830. Mr. Cole says that he's representing

1830, and you indicate that you're representing them.

MR. GLADNEY: Yes, sir.

THE CHAIR: So we would like to get it straight who is representing who.

MR. GLADNEY: Well, I represent Local 1830 because of this petition signed by a hundred and eighty attached to the opposition signed and filed -- which I intend to file on behalf of Mr. Alton J. Bailey as president of the I.L.A. and as officers of it. Now, first, this is a legal basis -- a legal argument that we need to make before the committee. Mr. Chairman, I would appreciate permission to permit us to continue our statement in a legal argument in that the charges fail to state a cause of action. The charges served on Alton J. Bailey on or about July 15 "failed to state any wrongdoing on the part of Alton J. Bailey and/or any officers of Local Union No. 1830 of ILA which appear to be in violation of the Constitution of ILA or of Local

Union No. 1830 of ILA.

"2. The members who signed the petition provoking this matter are in the minority and do not represent the consensus of the membership of Local 1830 of ILA, representing less than ten (10%) per cent of the membership of the union, as shown by a petition attached hereto and made a part hereof, signed by members of Local 1830 of ILA, being over two-thirds (2/3) of the membership of said Local; and, consequently said charges should be dismissed --" -- as a matter of law -- "--as being invalid and without merit in view of Section 3 of Article XVI of the Constitution and By-Laws of the General Longshore Workers International Longshoremen's Association, Local Union No. 1830, Port Allen, Louisiana, the original of which is attached hereto and made a part hereof.". And that's the original petition signed by over two-thirds of the members of the local, which we are about to file and the petition attached thereto and made a part

thereof. In the local constitution in that section it provides that if there charges had been presented to the local secretary, they would then have to be referred to a meeting and before they would be referred to for hearing -- before they would be referred to for hearing if two -- they would not be referred for a hearing if two-thirds of the membership voted or agreed not to have such a hearing. If this procedure is brought under the Constitution for disciplinary action as set out by the Constitution -- Article XVI says, "Charges and complaints subjecting the accused to forfeiture of office, expulsion, suspension --"which in effect this would have to suspend him from office --" or to a fine of more than ten dollars for the first offense, shall be made in writing; shall be dated and signed by the person or persons making the accusation; shall specify the act or acts, or failure to act, complained of, with the approximate date thereof; and shall be filed with the Recording Secretary.

"The Recording Secretary shall immediately deliver or mail a copy of the complaint to each of the accused, and shall present and read the original complaint to the Association at its first regular meeting after receiving same."

THE CHAIR: Mr. Gladney, if we are going to continue, this is a hearing of the I.L.A. Of course, we know that if either side don't like what's happening they are always going to the courts. You know as well as we do and certainly federal, state and city courts will accept a charge filed by any particular one individual person. It doesn't have to be ten percent or twenty or thirty percent. Also the International Constitution which this charge is presented under -- you can skip any one of any portions of the bodies. They can skip the locals, they can skip the councils, they can skip the locals, international vice president; they can skip the district vice president; they can skip the district president; they can skip the district convention; they

can skip the district executive board and go into the convention. So any one of the actions they can do. This was presented to the International; so any one person on either side can bring this up. So, it's a long drawn out affair, but the International constitution supersedes that one.

MR. GLADNEY: I appreciate your comments, Gentlemen, but the next section is the one I referred to. "At the same meeting at which received ---" when this charge was received by the Local, "all written complaints shall be referred to the Grievance Committee, unless two-thirds of the membership present at said meeting vote to refuse to entertain any one or more such complaints." It is our position in filing this opposition that over two-thirds of the membership of this union have had the opportunity to read the charges and are opposed to I.L.A. International through the executive council or the president in placing the union in trusteeship and at this time we would like to

file this opposition to the hearing on behalf of Alton J. Bailey. He further takes the position that, "This trial committee is without jurisdiction---" This is a legal argument we'd like to make to Your Honors, that "This trial committee is without jurisdiction to hear any disciplinary charges brought against Alton J. Bailey, as president or a member of Local 1830, because the charges were not preferred or initiated by filing written charges with the Recording Secretary of Local 1830 of ILA as required by Section 3 of Article XVIII of the Constitution and Rules of Order---" of the International organization, AFL-CIO, and it fails to comply with Sections 1, 2, and 3 of Article XVI of the Constitution and By-Laws of the Local Union 1830. And therefore, in view of the procedure taken if the committee continues to hear this without going through and complying with both constitutions, we take the position that such a procedure here would be in violation of the Constitution of ILA-- of

Local 1830 of ILA to place Local 1830 in trusteeship, this trial committee and the officers of ILA are in violation of the court order and judgment granting a preliminary injunction signed June 27, 1969, by Honorable E. Gordon West, in which he enjoins the International from placing the Local in trusteeship, unless it does comply with the International constitution which Your Honor has at hand. His opposition is that the charges as presented to Alton Bailey did not follow the International Constitution and, therefore, you would be in violation of the injunction that we -- was obtained in the case that you gentlemen are familiar with. The charging parties here are parties of conflicting interest, one or more of whom are officers of Local 1830, and the officers are interested in -- may I point out the section that I referred to in the International Constitution? The charges are invalid under the Constitution and Rules of Order, I.L.A., and Order granting preliminary injunction

in the judicial proceeding entitled Alton Bailey, et al. versus George Dixon, et al., Civil Action Number 69-109 of the docket of the United States District Court for the Eastern District of Louisiana. The charges are invalid because they are contrary to the applicable provisions of the National Labor-Management Reporting and Disclosure Act of 1959 as amended. The charging parties are attempting to replace the officers of the Local 1830 without a constitutional election and contrary to democratic processes. The petition of specific charges is too vague, indefinite and so weak --

THE CHAIR: Mr. Gladney, at the hearing with Judge E. Gordon West you stated everything you said, but he advised the International to come back and give a fair hearing, and that's what we are here to do today --

MR. GLADNEY: Right.

THE CHAIR: -- regardless of what you say.

MR. GLADNEY: Right, sir.

THE CHAIR: We are here to give a fair hearing. And we asked you, to start off with, to expedite time if you have those charges and things to put them in evidence and we would accept them so we could go ahead on with the hearing. Now, if we sat here and let you read all day we never would get through with this hearing.

MR. GLADNEY: Well, I'm just almost through.

THE CHAIR: Well, you told me that 30 minutes ago you were almost through.

MR. GLADNEY: Yes, sir, but --

MR. CHITTENDEN: Mr. Gladney, you keep saying you're almost through and you just keep reading the record, and you are just ignoring us on it.

THE CHAIR: Yes, so we're just asking if ---

MR. CHITTENDEN: The question number one, we want to correct a difference of opinion. The constitution and order of the International Longshoremen's Association, AFL/CIO this was adopted July

17-21, 1967, in Miami Beach, Florida; this is the last one. Article XX, Trusteeship, which is page 44, Section 3, and I might read: "Whenever charges which allege a violation by a Local Union District Council or District organization, and/or its officers, within the meaning of Section 1 of this Article, have been filed with the Executive Council, or whenever it has assumed jurisdiction over such charges filed with a Local Union, District Council, or District organization, the Executive Council shall have the following powers, which it may exercise prior to a hearing or decision on such charges: --" --which gives us the full power and authority to hear these charges, which gives us the right at this particular time to be in here and hear these particular charges, and this is what we say--

MR. GLADNEY: Well, I understand that's your position, Mr. Chittenden, and in all due respect you may be correct and we may be correct as a matter of law that these charges should have

initiated with the local union. The way I interpret your constitution they should have been initiated --

THE CHAIR: Well, Mr. Gladney, again I am going to have to call your attention to the fact that Mr. Bailey has been given the charges; the secretary of the local has been given them -- given the charges, and we're here to try the case today.

MR. GLADNEY: O.K. All right, sir.

THE CHAIR: We are asking you to refrain from all that long reading so we can proceed with the trial.

MR. GLADNEY: All right, sir. I'm almost through; I've got one other thing --

THE CHAIR: You told me that 20 minutes ago you were almost through.

MR. GLADNEY: I know that. I have another point to make, which is --

THE CHAIR: Well, now, wait, wait. We ask you to enter that into the record, Mr. Gladney, because we're not going

sit here and let you take due advantage of us by reading all that stuff in the record before we can proceed with this hearing.

MR. GLADNEY: Mr. Chariman, I want to say to you that I have no intention of taking advantage of you --

THE CHAIR: You have just read -- you have taken the position that this trial committee --

MR. GLADNEY: I have no intentions of taking advantage of anybody.

THE CHAIR: You have just put it in the record that this trial committee had no authority to have this hearing. Now, we know we do have authority and we are going to proceed with the hearing whether you think so or not.

MR. GLADNEY: All right, sir. Well, I'm not -- I'm not trying to oppose you.

THE CHAIR: Well, it's the last time I will ask you to enter that in the record.

MR. GLADNEY: I just want to make our legal point,

which I think you should allow us to in order to have a fair hearing. You have to --

THE CHAIR: We're going to give you a fair hearing, Mr. Gladney.

MR. MILLER: Mr. Gladney, May I state something. You have all this documented in black and white. The chairman has said that you may enter it all into the record. After this hearing there will be an entire record made of the hearing. The committee will take the record and make a recommendation to the executive council based on the entire record, which will include whatever you have been reading into the record.

MR. GLADNEY: Yes, sir. At this time we would like to enter this original opposition to the hearing on behalf of Alton J. Bailey as a member and president of Local Union 1830, I.L.A. I'll give each one of you a copy of it. Now, since the opposition pleading has been filed in the record, the next point that we make in regard to the

charges is that they are too vague to have us legally respond to them in a legal and sound fashion, which is also a point of law, Mr. Chairman, and which we think is a sound point of law. "The 'Petition of Specification of Charges' is too vague, indefinite and so latent with ambiguity to be sufficient to serve notice of --" -- on Alton Bailey or the union, against opponents who must answer same. We point out the ambiguity in regard to the first paragraph. They say --

MR. MILLER: Mr. Gladney, before you proceed may I state, the committee will not act on the basis of the charges. The committee will act on the basis of what is presented in the record today, and the executive council will act on the basis of the record today. So I don't think -- I think you're a little premature in making your application at this time as to the vagueness of the charges. Because the charges are just the basis for holding the hearing.

MR. GLADNEY: I see. Well,

Mr. Miller -- in response to that, Mr. Chairman, we would like to state that we are going to object to any evidence getting into the record that is not pointed out or pled in the charges. We don't think that a hearing would be fair and legal if you just allowed a lot of general evidence that came out that was not presented by specific allegations of fact in the charges themselves. And we not only will make objections now, but we will object as the hearing goes along to any evidence that the pleadings have not alleged to cover same. And we insist on our plea of vagueness for the paragraphs that are vague. In Article 2 it says --

THE CHAIR: Mr. Gladney, we are going to ask that you enter that stuff in evidence. Mr. Miller has just explained to you that this committee is not going to rule on these things. The entire executive council will rule on it. We are in here to get evidence for the entire council, and we ask you to enter that in evidence.

MR. GLADNEY: I have entered my pleading in the record, but so far as arguing my point, you don't allow me to be legal counsel for my clients unless you let me make my point of law, because the point of law is that when you make a charge "that intimidation, threats and other coercion was used on the membership of said local --"

THE CHAIR: That will be brought out in the hearing, Mr. Gladney.

MR. GLADNEY: --"which unduly influenced the outcome of said election," if it doesn't show or allege who made the intimidation, threats and it does not allege when and where they were made, we think that such a pleading is inadequate in law and, therefore, would not be the basis for a fair and legal hearing, which Judge West was talking to you gentlemen about when we had the hearing in the federal court. And since you all --

THE CHAIR: Judge West was talking -- when he had the hearing in court, the only thing Judge West said was that the

proceeding hadn't been going too correctly. He didn't go into the facts as to why: he just said based on the plea that the proper notifications hadn't been out. And that's the only way -- reason that he ruled against us. I'm asking you to produce this stuff in evidence so we can go ahead and proceed with the hearing.

MR. GLADNEY: Yes, sir. Well, we have filed our pleading in the record, Mr. Chairman, which we thank you for that privilege. But I would like to state as a matter of law, I can't be a lawyer for my clients unless I point out to you -- which would go in the record for the benefit of the executive council and for the benefit of the court. And we do not waive our rights insofar as the charges not specifying facts that can be answered clearly, such as the date, time and place and who -- who did the things that are charged here. In paragraph 4 it says that "the contract was rejected at the said referendum by virtue of intimidation, threats and other coercion

exerted upon the membership of Local 1830 by the new elected officers and Board of the said Local" without specifying which officer, without specifying the date, time and place. And we should be as a matter of law allowed to know exactly the time, date and place and who is being charged with doing these acts of intimidation, threats and coercion by the membership. And the same is true in several other articles which I would like to have the privilege of pointing out to you.

THE CHAIR: Mr. Gladney, let's cut some of this out. The charges here that we have, which Mr. Bailey has a copy of and you have a copy of it and I think the committee has a copy of it, it states facts and time that you've just said and I don't see any use in worrying with all that stuff that you've got. On these charges it states on every occasion here most of the dates and time and place that it occurred.

MR. GLADNEY: Well, Mr. Chairman, I'm going to have to submit to your ruling. I'm going to have to go

along with your ruling but only after making my exception to same. In other words, I think as a matter of law I have the right to point out to the trial committee, which is like a court, wherein the charges are defective and fail to state a cause of action against my client. And if you order me not to do that I am going to go along with your orders but I am going to except to it and let the record show that I object and except to the ruling of this trial committee.

MR. HENRY: Mr. Chairman. Mr. Chairman, you have just told Mr. Gladney that if he submitted and it will become a part of the record at the proper time when we have finished the hearing the executive council and this committee will review what you put in the records. We will also be able to review what the witnesses -- whether it's going to be witnesses for Mr. Bailey or witnesses opposed to Mr. Bailey, and on that we will determine just whther there were any merits to the charge or not. But you've been

reading a lot here and I think you realize that this hearing is not what you consider like you would be down in a court where you were referring to Judge West. So I think you have read quite a bit of evidence for your client or opposed to whatever the charges said, but we haven't heard anything yet, merits on either side. That's what we want to hear now, and if you have any more papers that you would want to put into the record or any statement that you have written down there give it to the court reporter here and she will make that a part of the record.

MR. GLADNEY: All right, thank you.

MR. HENRY: Whether you do it orally or whether you do it then it's going to be in the record --

MR. GLADNEY: All right, thank you.

MR. HENRY: -- and to facilitate time we ask you now to submit any briefs that you have or any written statement that you have, put it in the record.

MR. GLADNEY: Thank you, Mr. Henry. I do appreciate you all wanting to give me every leeway and anything, but I want to point out in detail where the charges are vague. I'm going to accept the court's ruling that I can't do it and then enter an exception to the court's ruling and then continue from there.

MR. MILLER: All right, You've made your point, and I think we should get on with the hearing. Everything is part of the record.

MR. GLADNEY: Next, Mr. Chairman, I would like permission of the entire committee to file some pleadings on behalf of four officers of Local 1830 of I.L.A., and this is -- we would like to make it part of the record. It speaks for itself; I have nothing further to say about it. At this time we are filing a pleading which in essence is an intervention of the officers of Local Union 1830, International Longshoremen's Association, specificially, Leroy Smith as -- excuse me a second, let me read these off --

Leroy Smith as vice president, Alvin Montgomery as committeeman, and Ernest Davis as one of the finance committeemen, and Freddie Borris. Thank you sir. The pleading as far as the wording of it speaks for itself.

MR. CHITTENDEN: May I ask you a question on this one that you just turned in, Mr. Gladney? The last paragraph, first page, you quote in there besides violating the I.L.A. constitution it also violates "the judgment of the United States District Court as entered by the Honorable E. Gordon West." Now, if I remember correctly, I was sitting there, the Honorable Gordon West told us to go out and do it properly and if anything was to come back it would certainly be brought back to either him or some other federal judge but to go out and do it properly. This is not in violation; this hearing is under the constitution and not violating-- in other words, what I want to state is that we are not violating the Honorable Judge West's decree. So we're only going back and redoing

what he instructed us to do.

MR. GLADNEY: Yes, sir. I appreciate, Mr. Chittenden, that you are in good faith and you believe exactly what you say. It is my position on the constitution, interpreting it and the law, that the committee has failed to comply with the I.L.A. constitution, but that is a matter of legal argument which you may disagree with me and Judge West may disagree with me but again he might agree with me. Now, at this time, we would like to file on behalf of Alton Bailey, et al., as respondents in this matter an answer. To the answer we have certain attachments which include copies of a resolution that was passed at the membership meeting and a copy of the court order entered by Judge West. And we ask that this answer be filed, Mr. Chairman. Mr. Chairman, since the charges were read into the record at the request of counsel or somebody in the room --

THE CHAIR: Nobody instructed anybody. We read it --

we were bound to read the charges to the brothers to let them know what they were charged with.

MR. GLADNEY: Yes, sir.

THE CHAIR: It wasn't that anybody requested it. It was our responsibility to do so.

MR. GLADNEY: Mr. Chairman, since the charges were read according to you all's rules and you all are running the hearing, we would like the same privilege of reading to the committee our answer to the charges.

MR. COLE: Mr. Chairman.

THE CHAIR: Mr. Cole.

MR. COLE: There has been no determination, as far as I know, as to representation of the various parties in connection with this hearing. But assuming that my position in this hearing is counsel for the charging parties and that I have no other position in this hearing, I would not object to the andwer being made a part of the record. However, in order to conduct as we are indeed conducting a

trial under the rules of procedure as they apply to the United States District Court, the answer filed today does not give to the charging parties, having not seen it before this date, any time to see any of the pleadings of fact that I note to be in here or to prepare any defense to any of these pleadings of fact. And I would on behalf of the charging parties object to a lengthy recitation of this answer, adopting the position that the charges were properly filed with the body to whom they were addressed, that is, the International committee, and that the International committee is holding a hearing which it has convened itself to hear the testimony. It was not my understanding that this constituted a judicial trial or was a judicial proceeding. I believe that the trial committee has so ruled on a number of occasions. As I said, I have no objection to any documents that need to go into the record going into the record, but if we're going to hold a trial we're going to have to apply all of

the rules of pleading which would fall under United States District Court. And if that is the case then, of course, this committee is serving no useful function whatsoever and we might as well have filed this matter in the United States District Court for Judge West to have taken the evidence on it.

MR. CHITTENDEN: For your information and for all the lawyers here, certainly Mr. Hopkins is the chair and he rules on it, and we are the committee and we either back up or object to the procedures. Being laymen -- certainly neither one of the three of us are lawyers, but we are intelligent men. It is the first time we are allowing lawyers to come into these meetings and certainly you've changed it. And, first, I've noticed a petition that is turned in by Mr. Gladney constantly states that the local is going to be placed under trusteeship before Mr. Bailey or his people have a chance to discuss their problems or the opponents who signed charges against him have a chance to

discuss their position. We are trying to decide whether we will bring back a certain bona fide legitimate report to the international executive officers and thereby make their decision if either person is guilty or not guilty, thereby turning this here hearing into a federal issue. So thereby it puts us, the three men who are now sitting here as so-what judges of this particular hearing -- and it's not a trial; but you've turned it into a federal issue. And certainly it becomes a federal issue. I think that most of us are intelligent enough to know that all these records being presented are certainly going to go back into the federal court if it doesn't come out either side that likes these points. We in the past have come in for the International and have gone into our own people, in our own family -- which certainly Mr. Bailey is a portion of it as the president of this local -- and always tried the hearings under proceedings of the International Constitution. If a person then was guilty he was told by

the International we were putting them under trusteeship temporarily. Then these men, all men of officers or locals have recourse many ways. First, they have their local district council; secondly, they have their district officers; they have the district executive board which is under President Massey; they have President Massey himself; they have the district, South Atlantic Gulf Coast District, I.L.A.; they have the International Constitution by itself under the international executive board, the international president and the International. Then we have the courts on this thing. So we say, gentlemen, to you lawyers here, let's get on and get this thing down to where we can try to see what these men have to say. Certainly I have no prejudiced opinion now of this particular case until I hear Mr. Bailey's side, Mr. Bailey's officers, and certainly until I hear these other people I don't think we can cast an honest decision on this thing and then bring it back to the International. But all through this thing you

all are prejudging what our intentions are or what we are going to do. So certainly, gentlemen, I say this that you gentlemen being trained skilled professional men certainly could have Mr. Hopkins, Mr. Henry and myself at a disadvantage, and certainly we are saying now that maybe we ought to dispense with so much legality on your side and get into what is the just case here because in the end it may not be either side's opinion of what is going to happen here. So, gentlemen, I would like to request that the chair instruct you gentlemen let's not constantly say law, law, law, because that is for the federal judge to decide if it so goes back into this court. And the Honorable Gordon West or some other honorable federal judge will decide it because he is trained for it. I would like to ask you gentlemen through the chair to constantly refrain from saying points of law, because with us we are going to have many hours here, and I think if that's the case that's going to be decided, I think Mr. Bailey on his

side should have his counsels or counsel and o on our opponent's side to have their counsel, go back to court, and Mr. Hopkins and Mr. Henry and myself and the International would not sit in judgment of this thing. Because, after all, we would have to rule as laymen against trained professional men. So I think that let's try to get into the facts of the case, the honest and just sincerity of it, without so much legality because we are not trained for that position.

MR. JONES: Mr. Chairman, I am sure that everyone here is interested in seeing that Mr. Bailey and all concerned have a fair and impartial democratic hearing. I appreciate that point along with Mr. Gladney that that is what is being done. But in order to help you as laymen to see that these rules are followed in order that a fair and impartial democratic hearing be held that is the reason why that we are here to assist Mr. Bailey and I'm sure that's the reason why Mr. Cole and Mr.

Miller are there to assist the other side. We are here to see that the rules of the game -- or try to -- that they are followed and that they are carried out. And I think that that is the only job or duty that we have here today. The judgment of this case definitely rests with you all, Mr. Chairman and the associate chairmen of this trial committee, to see that fair judgment is rendered in this case. We are here refereeing this game so to speak in a way, but you are the jury. You are the umpire. You are the one that is going to call the plays after the game is over. You're going to call each play as it comes along. And right now we are at the bat. We are presenting certain papers. And you have to call those papers, and we are here and want it called according to the rules. Now, you know that we have now presented an answer before this court. It comes today. If we were playing the rule as it stands there would be a certain time in which our answer should have been filed. We had no notice

as to what time our answer should have been filed after Mr. Bailey had received the complaint -- the charges against him. So, therefore, we choose, not having any particular rule laid down as to the time limit to file the answer after charges received by Mr. Bailey, we choose to do it today. And if you feel or deem that you need more time in order to read and to analyze what is here in the answer we are certainly willing to give you that time. If counsel needs more time, if Mr. Miller ---

MR. MILLER: Mr. Jones, may I say something? First, let me correct the record that Mr. Miller is not here to represent or to assist either side: he is here to represent and assist the committee only. Now, this is not a legal proceeding. There was no need for an answer but you put one in; it's in the record. Nothing is going to be decided, I said before, on the basis of the charges. Everything will be decided by the committee and the executive council on the basis of what goes into

the record from the testimony of witnesses and the evidence at this hearing. All these documents that are in the record, that will not change what will happen at this hearing. After the hearing is concluded the complete record will be put together by the reporter here, the committee will each get a copy of it, they will analyze the record and make a report to the executive council based only on the record, not an answer that you have prepared to answer these charges. Because that was not necessary. Everything will be done at this hearing.

MR. JONES: Thank you kindly, Mr. Miller, but we certainly do not want anything in evidence or any evidence put on that would go beyond the pleading, beyond the charges --

MR. MILLER: You are being premature. When you have a chance to object, you'll object and the chair will rule.

MR. GLADNEY: Thank you, Mr. Miller.

THE CHAIR: Now, Mr. Gladney, before you proceed, based on the fact that we did not get a chance to get these answers and analyze them I'm going to sustain Mr. Cole's objection.

MR. GLADNEY: O.K. Mr. Miller, I think you put a statement to the effect that the proceedings, a copy of which will be furnished to each member of the trial committee. At this time I'd like to inquire of the committee will Mr. Bailey also be furnished a copy of the same proceedings--exact copy of what the committee receives, Mr. Bailey?

THE CHAIR: Yes, he will get a copy.

MR. GLADNEY: Thank you, sir. Mr. Chairman, in due respect to what Counsel said and to which Your Honor just ruled, the only purpose in an answer, particularly in this case, would be to state Mr. Bailey's position as to what he intends to prove to help simplify the question before the trial committee.

THE CHAIR: Mr. Gladney, you are being premature. We are going into this thing, and we are not basing our findings on all of this crap you've got here. We are going into the case and base our findings on the merits of the hearing.

MR. GLADNEY: All right. We don't want any member of the committee to presuppose that we assume that you all have already decided the case.

THE CHAIR: That's the way it looks.

MR. GLADNEY: Our pleadings are based on the charges that were made in asking you and the executive council and the president to place the union in trusteeship, and we are opposing that. We want you to clearly understand that we-- our position against the union being placed in trusteeship, and because you have been requested-- you and the executive council and the president have been requested to place it in trusteeship--

MR. HENRY: Mr. Chairman, I would just like to say

this to Mr. Gladney and everyone else here, that the three of us here, we don't have any sides, and every financial member of the I.L.A. is a part of the I.L.A., and we have received complaints from members who charge Mr. Bailey with certain things and they will have the opportunity to prove those charges. Mr. Bailey or whoever else who appears as witnesses on his behalf will have an opportunity to make whatever statements they have that will either-- deny these charges as you've pointed out here. I would like to ask you, did you get a copy of these charges, Mr. Gladney?

MR. GLADNEY: Mr. Henry, I want to tell you this--

MR. HENRY: Did you get a copy?

MR. GLADNEY: I received a copy from Mr. Bailey. He received it in the mail: he furnished me a copy, yes,,sir.

MR. HENRY: Mr. Bailey received a copy and he also furnished you--

MR. GLADNEY: Yes, absolutely.

MR. HENRY: -- a copy?

MR. GLADNEY: We have admitted that in our answer to you.

MR. HENRY: I would like to ask another question. You gave a list of the names, you said a hundred and a few, who pointed out or who denied these allegations. Did these hundred and a few men have an opportunity to see what Mr. Bailey was charged with?

MR. GLADNEY: I think-- I didn't personally go around and present the charges to every member, but--

MR. BAILEY: May I answer that question. The charges were read at a membership meeting to all members.

MR. GLADNEY: That answers it as far as I know.

MR. HENRY: And these men, who you said a hundred and some of them were present at that meeting, Mr. Bailey?

MR. BAILEY: We had a quorum at the meeting; we had members present.

MR. GLADNEY: I feel-- without knowing as to my knowledge, Mr. Henry, I feel certain that all of the members who signed the petition opposing trusteeship are substantially familiar with the charges that have been made against-- by the petition-- this was passed around, and not only read at the meeting, but I think they all are familiar with it if not verbatim, substantially with what the charges are.

MR. HENRY: All right.

MR. CHITTENDEN: Mr. Gladney, while we are staying on this thing, certainly you know, according to legal action, if we were legal men, we certainly would call your hand on that, because you are giving hearsay evidence. You don't know for sure that your statement is the fact--

MR. GLADNEY: No, no--

MR. CHITTENDEN: --and things like this. These are the things we are saying; so actually we'd like to hear from the membership--

MR. GLADNEY: Right.

MR. CHITTENDEN: --and we'd like to hear from Mr. Bailey, because on his statement the testimony these people or he's given, because we could spend all day long-- in fact, we could put you four lawyers out in the room, go out there and waste all day long and come up with all kinds of legal actions, and certainly either side has the right to put their briefs into court and certainly on legal points the judge will decide it. Certainly, on what these men say here today is what we are going to turn back to the International President. So certainly, all of these legal documents you have here, maybe I understand it, maybe I don't. I'm not telling you whether I do or don't.

MR. GLADNEY: I know you do.

MR. CHITTENDEN: Maybe I do.

MR. GLADNEY: I'm sure you do.

MR. CHITTENDEN: Maybe you think I do. But the case is this, I think what the men state is what we're going to try to--

MR. GLADNEY: Right.

MR. CHITTENDEN: --do for that organization.

MR. GLADNEY: Well, I wasn't trying to influence you but he had directed the question to me of how I could answer it correctly knowing that I had never been to any of the meetings.

MR. CHITTENDEN: Yes, sir.

MR. GLADNEY: And I wasn't trying to give him any information that he--

MR. CHITTENDEN: Well; we would like to get all of your documents and put them in the record as exhibits on this thing and then--

MR. GLADNEY: We have filed--

MR. CHITTENDEN: --clear the witnesses so that we can start with the witnesses and hear what they have to say.

MR. GLADNEY: All right. Thank you, Mr. Chittenden. We have filed our documents. That concludes our documents. Thank you.

MR. CHITTENDEN: All right.

THE CHAIR: We are asking all the witnesses to step outside.

MR. COLE: The witnesses for the charging parties are--

THE CHAIR: We would like to get the names of the witnesses for both sides.

MR. COLE: I will be glad to furnish the names of the witnesses for the charging parties. They are:

Mark Young
Edison Jones
Louis Harden
Elmo Smith
Roosevelt Green
Henry Gray
and
Emrick Portree

MR. GLADNEY: Mr. Chairman, point of order. You just stated all the witnesses would be excused and I ask as a matter of what is usual in court procedure that the parties charged, not only Alton Bailey, but officers of the union have been listed in these charges, and I ask permission for the officers to stay in as well as Alton Bailey, the other officers.

THE CHAIR: Are they witnesses?

MR. GLADNEY: They may or may not be

MR. HENRY: We want the names of the witnesses who are going to testify--

THE CHAIR: If they are going to testify, we don't want them in here.

MR. HENRY: If they are not going to testify, they are welcome to stay and there's no question about it. Are those men you've called, Mr. Cole, are they going to testify?

MR. COLE: Each and every one of them intends to testify.

MR. HENRY: We will ask those persons whose names you called to step outside, please.

MR. CHITTENDEN: Just a minute there. Let's get the names for Mr. Bailey, who his witnesses are going to be.

MR. GLADNEY: We ask that-- all the members of the union are our witnesses. We have no-- all of them-- but we would like to obje

to if the trial court has ruled that officers can't stay in here like Leroy Smith and Alton Bailey and any officers who are of the union, because all of them are affected by these charges brought by the charging parties asking that the union be put in trusteeship. All of them will be suspended, and I think that--

MR. COLE: Mr. Chairman--

THE CHAIR: Mr. Cole.

MR. COLE: -- you will excuse me, please. At least three of the witnesses who have just excused themselves from the room are officers of this local. Certainly each and every member of this local is going to be affected by the decision of this trial committee here today, and such an argument-- I have no objection to anybody staying that wants to stay, but if the committee is going to excuse the witnesses then I would adopt the position that all of the witnesses need to be excused.

THE CHAIR: Well, they are going to be excused.

MR. HENRY: All except Mr. Bailey.

MR. COLE: I would except Mr. Bailey, of course.

MR. JONES: We take the position that all of the officers of the local fall in the same category relative to these procedures as Mr. Bailey does; they all are respondents; they all are charged--all of the officers are charged; they are parties to this suit, and all parties have the right to remain.

MR. HENRY: Mr. Jones, I know that you and your associate, Mr. Gladney, are very familiar with procedures. Now, we ask the charging party witnesses who are to testify to step outside. We certainly couldn't give the advantage that they are going to sit in here and listen to every one of these witnesses come in and then come up and try to say something. If they are going to testify they would not have heard what the other witnesses said whatsoever. Their testimony would not depend upon what the witness said. Their

testimony is to come in here and tell us what they know about these charges whether they are right or whether they are wrong. Now, you've been in court many, many days. You know they put witnesses out. They don't let one witness sit in here and hear what the other fellow says and have his answer all set when the man gets through and calls him.

MR. JONES: I appreciate your position, Mr. Henry. I know exactly what you are saying. But what we maintain is that the officers of this local are in the same position as Mr. Bailey is in. They are all parties and in court whenever there is a hearing the parties to the suit have the right to remain in the court.

MR. CHITTENDEN: On a point there, Mr. Jones, you know as well as we do and certainly you make an issue--

MR. JONES: Yes.

MR. CHITTENDEN: --then it becomes a question, a moot case. How does a member sue his parent organization if it also

in the end, the ultimate end, he affects himself because he's a portion of it too? It's a fact on this thing The Chair has ruled certainly every member on both sides, certainly the members on Mr. Bailey's side, certainly the members on these other people's side, whoever the people may be, certainly they are affected also.

To be fair and impartial then the intelligent thing to do is to exclude everybody who is going to be a witness, and we want the names of the witnesses. We are not going to accept the whole organization as a witness for the simple reason if the whole organization becomes a witness for your side, then how do you go about saying that the opponents of yours are going to be a witness for your side too because they are members of the organization? So we are saying to you, we want you to name your witnesses and those who are going to be witnesses will be excused except Mr. Bailey.

JONES: Mr. Chittenden, what I'm saying is that we are not using the words "affected by." We are distinguishing the words "affected by" from parties to this hearing. All of them surely will be affected by this hearing but they all are not parties to this hearing, and that's the distinction that we are raising.

Now, all officers are parties to this hearing by virtue of the pleadings, by the charges.

MR. MILLER: May I point out to you, Mr. Jones, that although they do in the charges state officers the only one against whom the charges have been recognized is Mr. Bailey. As you will note from the correspondence back and forth, Mr. Bailey is the one to whom the charges were sent personally. The executive council has not recognized charges against any other officer at this time.

MR. GLADNEY: I'd like to-- in response to Mr. Miller's statement as counsel for the committee, the trial committee, I'd like to state that a further reason for this hearing being illegal and invalid is because the purpose of it, as I understand, is only to determine whether or not the union would be placed in trusteeship and one of the--

MR. MILLER: May I correct you there? There are two alternatives here. There are charges personally against Mr. Bailey and a request for a trusteeship. Now, the committee may take either side and act on the charges against Mr. Bailey personally and take action against Mr. Bailey if that is the decision or it may make a recommendation that the entire local may be placed into trusteeship. There are two

alternatives for this committee and I think that the correspondence will indicate that.

MR. JONES: That is true, Mr. Miller, that there are two alternatives, perhaps, but if that is true this is a hearing on both at the same time.

MR. MILLER: That is correct.

MR. JONES: This hearing is common to both.

MR. MILLER: That is correct.

MR. JONES: Since this hearing is common to both, then both-- all parties to this hearing have a right to remain in.

MR. GLADNEY: O.K. May I make one point of order, Mr. Miller?

MR. MILLER, Yes, sir.

MR. GLADNEY: Assuming-- you may be right, Mr. Miller, but according to the charges as I read them, they conclude with this:

> "NOW, THEREFORE, the undersigned membership of this Association do petition the Honorable President and Executive Committee of the International Longshoreman's Association to institute a trusteeship of the said Local under the terms and conditions outlined in the International

Constitution and the National Labor-Management Reporting and Disclosure Act, which trusteeship should continue until such time as the International can determine that stable and responsible leadership is restored to the Local making it possible for the membership to engage in collective bargaining with the Baton Rouge Management and govern their own affairs."

Now, the way I read these charges they do not say that this is for the purpose of charging Mr. Bailey with wrongdoing and for the purpose of placing the local in trusteeship. As I read all of the whereases and the conclusion of the charges are simply pointed at one purpose, whether or not this trial committee will recommend to the international president or the executive council to place the local union in trusteeship. Now, I may be wrong but that's the way I interpret these charges.

MR. MILLER: You see, Mr. Gladney, you are interpreting this as an attorney. As Mr. Chittenden pointed out to you, under the rules of the I.L.A. or any other union for that matter any person who is a member of the union may bring the charge somewheres along the line against any other person in the union including an officer, and it doesn't have to

take the formality of a complaint. It can be a letter to an officer of the union stating that so and so did this at this time, et cetera. This is all that is necessary to institute a hearing. This is what was done today. Now, what will develop here will determine what the report will be to the executive council--

MR. GLADNEY: All right, sir, but--

MR. MILLER: --and what action will be taken thereon.

MR. GLADNEY: Mr. Miller, I understand what you say, and if what you say is correct then Alton Gailey is personally being charged with the violation of some provision of the constitution which is not specified in these charges and we object to the hearing insofar as being personal charges against him for that reason also because we think that if these are personal charges against him other than just placing the union in trusteeship he should not only be told what provision of the constitution he violated and also what acts of facts that he did wrong and which violated the specific provision of the constitution.

MR. MILLER: I think the charges spell out what he is being charged with but I think it will be developed here as I said.

This is not-- it is not necessary here to have a formal complaint spelling everything out. That's the purpose of the hearing. Everything will be spelled out here. If they can't be substantiated, they can't be substantiated. It's up to the charging parties to substantiate whatever they have charged in their petition.

MR. CHITTENDEN: Gentlemen, I keep stating on this thing I think you're prejudging Mr. Bailey and his people on this thing, but here's the thing -- the members have made these charges -- we are here as a hearing. If these people give us enough to warrant any particular thing, we certainly would tell Mr. Bailey. Supposing by the same virtue they have not convinced this committee, then we will rule that there was insufficient evidence for any type of charge. Now this is a hearing. We are not here charging to say we are against Bailey or the local or for or against these other people. This is what we are saying. We want to hear what these people have to say. If they say Mr. Bailey did this, we want to hear them say it and we want to have Mr. Bailey's counter offer of what he did. Then it's up to this committee to rule whether they have enough to prefer these type of charges. But the case is this. You people are constantly trying him as a guilty matter before he

get a chance to --

MR. GLADNEY: No--

THE CHAIR: Mr. Gladney, we are not going to sit here and listen to all of this kind of argument. We are asking you to give us the names of your witnesses --

MR. GLADNEY: On that point is what I am standing for, Mr. Chairman. You made the statement that you wanted us to give the names of the witnesses--

THE CHAIR: Right.

MR. GLADNEY: --and it's impossible to know which witnesses are involved because the charges in the-- the written charges are indefinite as to who is involved and who can be present who knows about it. Not until we hear the evidence from the charges are we going to know what witnesses we can use. So it's impossible for us to give you the names in advance of who we may--

THE CHAIR: Well, we are going to have to have them.

MR. GLADNEY: We will give them to you as we call them.

THE CHAIR: Well, they all have to go out then. You can call them as you want them. Put them all out.

MR. GLADNEY: Well, the only thing, Mr. Chairman--

THE CHAIR: Put them all out.

MR. HENRY: Put them all out.

THE CHAIR: All of them go out but Mr. Bailey.

MR. GLADNEY: All out but Mr. Bailey?

THE CHAIR: Right.

MR. GLADNEY: That's your ruling. We except to the ruling so far as the officers are concerned, but we understand that's your ruling and we will comply with it. Everybody goes out but Mr. Bailey.

MR. COLE: It is my understanding then that all of the membership of Local 1830 is excluded from this hearing.

THE CHAIR: Well, what he said, Mr. Cole, he may call either one of them.

MR. GLADNEY: That's right.

THE CHAIR: Unless he would give us names, we don't know who they are.

MR. COLE: Well, I just wanted to be sure that--

THE CHAIR: I mean we don't want to do that.

MR. COLE: --I understood the ruling.

THE CHAIR: We don't want to do that, Mr. Cole, but he might actually call one of the fellows we leave in here--

MR. COLE: Yes.

THE CHAIR: --and inasmuch as he won't give us the names, let them all go out.

MR. CHITTENDEN: In that particular case, then that witness definitely would not be

acceptable testimony to us.

THE CHAIR: If he wants to leave somebody in here, then he can't call them as a witness.

MR. CHITTENDEN: If anyone stays in here from the membership of that local, be it thoroughly understood that he cannot be called as a witness for either side because we will not allow him to testify on either side, for or against.

MR. COLE: Bearing that ruling in mind, then I would request that the chairman also exclude Mr. J. Harvey Netter, who is present in this room. I ask that he be excluded because it may very well be that he will be called as a witness in this matter.

THE CHAIR: To the attorneys-- inasmuch as this is not a court hearing, it's a hearing instituted by the International President, this committee is requesting that everybody but the accused be eliminated from the room and we'll call the witnesses as we need them.

MR. GLADNEY: In view of this ruling by the trial court we want the record to show that we will except to the trial committee's ruling insofar as it requires the officers of the union who filed the intervention in this matter to leave the hearing room. Everybody leave the room.

MR. CHITTENDEN: Then we'd also like to state that-- let the record show that there are officers on both sides, for and against, being excused from the room. All members of Local 1830 will be excused because the attorneys from either side may call them as witnesses.

(THE WITNESSES LEFT THE HEARING ROOM.)

THE CHAIR: Mr. Cole.

MR. COLE: The charging parties would like for the committee to call first Mark Young, the financial secretary of Local 1830.

THE WITNESS, MARK YOUNG, HAVING BEEN SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP HIM GOD, TESTIFIED AS FOLLOWS:

MR. COLE: In connection with the witness' testimony three documents will be introduced. I will furnish them to the witness and once his testimony is concluded we'll ask that they be made a part of the record.

DIRECT EXAMINATION

BY MR. COLE:

Q. Mr. Young, what is your position with I.L.A. Local 1830?

A. Secretary-treasurer.

Q. When were you elected to this office?

A. In the last election.

Q. When was that held, please?

A. It was held in -- in the first of the year.

Q. And you've been sworn in as the secretary-treasurer?

A. Yes, sir.

Q. Have you been acting as the treasurer of the local?

A. Yes, sir.

Q. Now, you have in your hands two documents which enumerate certain checks. One is headed "Southeastern Terminals"; the other one is "Paid to Local 1830 by Burnside Terminal," is that correct?

A. Yes.

Q. Where did you get those lists, please?

A. These lists came from these particular companies.

Q. And who got them; did you get them yourself from the representatives of the companies?

A. I beg your pardon?

Q. Did you get them yourself from the representatives of the companies, the lists?

A. Yes.

Q. All right. And --

MR. GLADNEY: May I see them?

(THE WITNESS TENDERED SAME TO MR. GLADNEY.)

BY MR. COLE:

Q. -- generally in connection with those lists what do they purport to show, the checks issued or what?

MR. GLADNEY: We object to any testimony from this witness as to what these documents purport to show unless the witness himself prepared these lists.

MR. CHITTENDEN: Well, gentlemen, if we are going to --

THE CHAIR: Objection overruled. He doesn't prepare lists for the companies. Go ahead, Mr. Cole.

A. (The witness did not reply.)

BY MR. COLE:

Q. In connection with those two lists that were furnished you, --

MR. JONES: Before you go any further, Mr. Cole, would you mind telling the witness what you are attempting or intend to establish by thoses, please, sir.

MR. COLE: I don't have any -- I don't think there's any secret of what we are trying to establish by these lists. These are the lists of checks that have been made payable to Local I.L.A. 1830. This man testified that he is the financial secretary; that is the secretary-treasurer of the local. We intend to establish that he has not received these checks and they have not been deposited to the account of the local over a period of some four months.

THE CHAIR: Go ahead, Mr. Cole.

MR. GLADNEY: Can we depose the trial committee as to what portion of the charges is this evidence supposed to be in support of?

MR. COLE: Does the committee require an answer from me and if so --

THE CHAIR: Go ahead and conclude your case and then if there are any questions on it, Mr. Cole, we'll --

MR. JONES: We wish to interpose an objection right at this point because the --

THE CHAIR: You can raise the objection. Let him conclude his case and then you can pose your objection.

MR. JONES: We want to interpose an objection at this point. If there -- if he intends to establish anything by those lists that are not alleged or set out in this -- in the charges here then we are objecting to it. Now, we are asking that he show us in these charges where he alleged anything that these lists intend to prove or to establish or to substantiate that he use these lists.

MR. COLE: Well, on the second page of the charges, if it please the trial committee,

MR. CHITTENDEN: Gentlemen, I'd like to request The Chair -- if we're going to have and go to legal points, and you all know each side is going to constantly propose objections to everything and we expect you to do it, so we are going to say that maybe The Chair will rule that we'll grant both sides a standing objection like they do in court, but they are going to be practically overruled so we can hear the testimony of the witness so therefore, how can we come out and decide what was done in the local, whether it was wrong or whether these people have any merit to bringing these particular charges against the officers if both sides the attorneys are going to come out there and keep throwing legal

points of law at the three men who are sitting here and judging these things, so if we can't hear what the men have to say then all we are going to have to hear is the objections and legality from the lawyers. So maybe we should forego this hearing and send it back over to the federal court. So I'd like to request The Chair to understand that there are going to be legal objections on both sides, and it will be standing so we'll accept all your objections so you'll have a legal right to object.

MR. JONES: Mr. Chairman, -- I appreciate your remark, but if this list is reaching a -- or trying to establish something that's not set forth in here then we are objecting to it on that basis, and all we are asking is for him to show us where in these charges that this -- this list or these lists are trying to -- what they are trying to establish. That's all that we are asking.

THE CHAIR: Mr. Cole, inasmuch as Mr. Gladney even over in Judge West's district court -- and we may have to do this -- whenever he went in Judge E. Gordon West's court he pleaded with the judge to rule on the merits of the case because the I.L.A. Constitution hadn't been followed, and I would like to read a copy of the I.L.A. Constitution -- I mean an article in the I.L.A. Constitution which we might prohibit any attorney from sitting in on this hearing.

MR. COLE: Yes, sir.

MR. CHITTENDEN: We never have before and we can do it in this case.

THE CHAIR: And this is a part of the I.L.A. Constitution, Mr. Gladney, and you specifically requested that Judge E. Gordon West follow the mandate of the constitution.

MR. GLADNEY: Right.

THE CHAIR: On Section 40 -- I mean on page 40, Section 4, "Hearings on charges shall be held by the Executive Board of the Local Union, by the District Council, by the District organization or its Executive Board, or by the Executive Council, as the case may be, or by a committee appointed by such Board or Council, to hear and report the evidence to it, provided that all decisions shall be made by such Board or Council. The accused shall be afforded a full and fair hearing and shall have the right to appear at such hearing, produce and cross-examine witnesses, file statements, and be represented by any member of the I.L.A. --" --

MR. GLADNEY: Right. Now, that's -- may I --

THE CHAIR: Wait just a minute.

MR. GLADNEY: All right.

THE CHAIR: -- "-- in good standing designated by him for that purpose. Decisions shall be rendered after the close of the hearing and shall be in writing. A copy thereof shall be served by the Secretary of the body involved upon the accused or the accuser--" --

MR. GLADNEY: Right.

THE CHAIR: So now we may take the necessary

steps to bar the attorneys for both sides out of this hearing if we don't proceed with the thing.

MR. GLADNEY: -Mr. Chairman, I just want to make a statement in line with what -- Mr. Chittenden, one of the members, made a suggestion that we make a general objection as a basis so we wouldn't have to be objecting to every question, and we make a general objection at this time to any evidence that might be heard by the committee which is not substantiated by the charges so we won't have to do that on everything coming up.

THE CHAIR: That's all right. We want to proceed with the hearing and go through with it. I'm not going to sit up here all day hearing a lot of --

MR. GLADNEY: Well, Mr. Chairman, the information is fundamental in all hearings where you are going to have a fair hearing that the accused be presented with the written charges and specifications as to what he is charged with and that the evidence be restricted to those charges, and without us having to object every time about everything we make at this time a general objection to any evidence which comes out on matters that are not alleged in these charges.

THE CHAIR: Well, the matter Mr. Cole has just brought up is alleged in the charges.

MR. GLADNEY: But by making this general objection it preserves our rights in the record so that we don't waive that and we won't have to be getting up here and objecting to everything.

THE CHAIR: All right. Proceed, --

MR. GLADNEY: Thank you.

THE CHAIR: -- Mr. Cole.

BY MR. COLE:

Q. Mr. Young, I believe you've identified these lists as being lists that you received from the companies as the lists are headed--

A. Yes.

Q. -- of checks that they have given or sent to Local 1830, is that correct?

A. Yes, sir.

Q. How are the checks from these two companies generally received by Local 1830?

A. Southeastern Stevedore, Ramsay Scarlett & Company, and Cargo Carriers, better known as Cargill, they mail their checks, but Rogers Terminal, Baton Rouge Marine, and Ryan Stevedore, and in some cases Louisiana Stevedore, the business agent and myself we pick them up, and when we pick them up, it requires a double signature.

Q. Now, do you have access to the post office box --

A. No.

Q. -- of Local 1830?

A. No, sir.

Q. Have you received these checks enumerated;

as the financial secretary of 1830, have you received these checks?

A. No, I haven't received these checks.

Q. What is the earliest date of a check on either of those two lists?

A. You mean the latest date?

Q. No, the earliest one, the first one.

A. This one here was mailed 4/10/69, and from Southeastern 4/16/69.

Q. What is the latest date on those checks?

A. 7/8/69 from Southeastern Terminal, 7/17/69 from Ramsay-- from Burnside Terminal.

Q. I see. Now, who has charge of the bank account of Local 1830 in the Bank of West Baton Rouge ?

A. Secretary-treasurer.

Q. Is that you?

A. Yes, sir.

Q. Have those checks been deposited in the bank account of Local 1830 in the Bank of West Baton Rouge?

A. Not to my knowledge.

Q. Do you have any knowledge of any other bank account for this local?

A. I heard over in district court that we had a new bank account, and I went over to the

First National Bank in Port Allen and I asked -- I inquired there and they told me that Local 1830 did have one.

Q. Are you authorized to sign checks on that account in First National Bank?

A. No.

Q. Do you have any knowledge of how much money is deposited in that account?

A. No.

Q. Do you have any knowledge of what funds may have been withdrawn from that account?

A. No.

Q. Have you ever signed any check on that account?

A. From the First National Bank?

Q. Yes.

A. No.

Q. What is the total amount of the checks from these two companies that -- from each of these companies; have you totaled them or are they totaled?

A. Yes, they are totaled individually. Southeastern Terminal, $2,160.91; Burnside Terminal, $4,453.13. And it has -- that's all these -- and they have some other checks, Southeastern Terminal, $7.05 and $216.42, $54.81; and Ramsay Scarlett, $152.18; this is three lists.

Q. Now, my understanding of your testimony is

that you do not have those check -- have not had them?

A. To my knowledge I do not have them.

Q. Now, on June 16, 1969, were you present at the meeting held at the union hall?

A. Yes, sir.

Q. Was a resolution read and purportedly adopted at that meeting to cut the initiation fee for joining the union?

A. Yes, sir.

Q. Had that resolution ever come before the body before?

A. Yes, sir; not that particular resolution but a motion had come before the house before.

Q. Before the entire body?

A. Before the entire body, and I think Mr. Boudreaux read something; I don't know if it was a resolution or not because I didn't see it, but he read something to cut the dues and while the membership has it posted on them -- posted on it so they had a good quorum there that night and they wouldn't entertain it.

Q. Did that matter of cutting the dues ever come before the executive board of which you are a member?

A. Yes.

Q. What was the result when it came before the executive board?

A. They voted it down.

Q. Now, on the night of June 16, 1969, was the resolution carried?

A. Yes; it was read and adopted and carried that night.

Q. Was any objection made that this didn't comply with the local constitution?

A. Yes. We asked that the minutes reflect the opposition.

Q. Have you ever seen the minutes of that meeting?

A. No.

Q. Since the adoption of that resolution, have you as the financial secretary received any application money for membership?

A. I would have to check dates, because at one period I received $355 for applicatron fee.

Q. Who was that application fee for?

A. And this was on August 3rd.

Q. Were you informed or did you give anyone a receipt for this application fee?

A. I always make a receipt in the office for the monies or where the money belongs, whether it's attributed to dues or application or check-off or what is pertains to.

Q. Now, who gave you this money?

A. The office secretary.

Q. The office secretary?

A. Yes.

Q. Now, Mr. Young, isn't it your duty as the financial secretary of this organization to collect all monies owed the association by officers, members and others and issue a receipt for all monies received?

A. Yes, sir.

Q. And it's your testimony that you did not do it in connection with this $355?

A. Mr. Cole, I'm put in a peculiar situation. As the people here know, I was handed a restraining order and when I -- and the judge advised me the last time we was over there that I had to comply with this as best as I could, and under the circumstances I have done that. I make out checks in my living room on a table, on our living room table. And I'm restrained and I do not have a combination for the safe, I do not have access to anything, and I don't go around there rocking the board. Now, these lists I acquired from the company to protect myself. This -- these are the amount of checks that they mailed to Local 1830, and if I don't see them I can go to the company and get a list and find out what they mailed and keep them as a record. This is the only way I can clear myself, but these checks I haven't seen.

Q. Outside of this one time that you were given $355 in application fees, you have received no other application fee from anybody?

A. No, I haven't.

Q. What did you do with this $355?

A. I deposited it in the Bank of West Baton Rouge..

Q: That is as far as you know the account of Local 1830?

A. When I deposit money I leave a photostatic copy of the check and a photostatic copy of the deposit slip, the check itemized on it, in the office.

Q. Now, during the course of the problems which have plagued this local this spring and summer when you've been the financial secretary-treasurer of the organization, have you refused to sign any checks to pay the bills of the organization?

A. No.

Q. Have you ever refused to sign any checks?

A. No, sir.

Q. You did refuse, didn't you, at one time to sign a check to President Bailey?

A. It -- at -- when the International first came in and they purportedly established this trusteeship and I was cast in the role of administrator, and it was a conflict between my salary and the salary I had had. When I got back from the convention in Florida, I came in that Friday and I went over to the hall -- Mr. Bailey was there -- and the locks had been changed, and he was sitting in the lobby. And when I came over to -- I came direct: I said, "Mr. Bailey," I said, "I'd like to have a key to the locks that you've changed and a

combination to the safe and I'm ready to go to work." And he told me if he decided I needed one -- he said, "You don't come in here hollering at me in that tone of voice." He said, "If I decide you need one I'll let you have one." And we had a few words, and after things got to the point we went to federal court and we got this hearing, I thought it was best to let this thing go and comply with it as best I could, and that's what I've done.

Q. But that was no bill --

A. Well, isn't it --

Q. -- owed to any third person outside the local?

A. But the bill you have in-- the bill you speak of, it was a check between -- I didn't get my pay, Louis Harden didn't get his and Mr. Bailey didn't get his, but other than that the bills were taken care of, and after we left federal court I came over and I made out his check. But as far as other bills that was paid. Now, if it was any bill I didn't pay I couldn't know of it because I do not receive the mail, and when I get the mail, it's handed to me. Now, if I receive them -- if I had a mail-boy and bills came in the mail and I didn't pay them, that would be something else, but I do not receive the mail; the mail is handed to me.

Q. That's all the questions I have.

MR. COLE: Does the committee have any questions?

THE CHAIR: I have one question I'd like to

ask Mr. Young.

BY THE CHAIR:

Q. Mr. Young, at the hearing over in Judge E. Gordon West's court, he instructed you to sign all checks for Local --

A. That's right.

Q. -- 1830..

A. Yes, sir.

Q. Has any checks been drawn on the account to the best of your knowledge in the First National Bank?

A. Mr. Chairman, I do not know anything about that.

Q. You don't know whether any checks have been drawn on that bank?

A. No, I do not know.

Q. That's all I have. You haven't refused to sign any checks that were drawn on the First National Bank, wrote --

A. No, I --

Q. -- on the First National Bank, have you?

A. No, I -- officially I haven't been told anything about these checks.

Q. No checks have been tendered to you to sign?

A. No. I haven't -- I haven't even saw a bank book from the First National Bank.

Q. Thank you.

MR. HENRY: Mr. Chairman, I would like to ask Brother Mark a question.

BY MR. HENRY:

Q. You said you don't get the mail. You have a post office box; who is it that goes to the box to get the mail?

A. The president gets it. I don't -- I do not have the combination.

Q. You said in one of the banks that the local -- that you do business by you and the president sign the checks together for that bank?

A. At -- at the old established original account we countersign that.

Q. Do you recall what the local constitution says who should sign checks; what does the constitution say?

A. It says the financial secretary-treasurer with the president make and sign all checks.

MR. COLE: In connection with the question, if the trial committee approves, I would offer the local constitution and tender it as part of the record so that the trial committee will have it.

MR. GLADNEY: We have no objection to him offering the constitution and we join in the offering and ask that it be made part of the record.

THE CHAIR: Thank you, Mr. Gladney. One more

question of Mr. Young.

MR. COLE: I have no further questions.

THE CHAIR: I have one more.

BY THE CHAIR:

Q. Mr. Young, in the account in the First National Bank in West Baton Rouge who holds the checkbook and who writes the checks on it?

A. I haven't seen them. I do not do anything. My signature is not on this thing.

Q. I have no further questions.

MR. COLE: In connection -- I'm sorry. I do have one other question.

BY MR. COLE:

Q. The third document which you hold in your hand, would you identify it, please?

A. This is the document here that was made up by the office secretary, "TO WHOM IT MAY CONCERN: These are the following items that was removed from the safe on May 31, 1969."

Q. Well, now, who removed those items from the safe?

A. That was when Mr. Dixon was there.

Q. Who actually made this list -- that's what was in the safe?

A. Yes.

Q. You accompanied Mr. Dixon and opened the safe?

A. Yes.

Q. And that was made for the purpose of preserving a record of what the contents of the safe were at that time?

A. Yes.

Q. For no other purpose?

A. That's right.

BY THE CHAIR:

Q. Mr. Young, do you have the checkbook of Local 1180 -- 1380?

A. For Local 1830?

Q. Yes: do you have the checkbook in your possession?

A. I have one, yes, sir. It's --

Q. The one that's being used now?

A. Yes, for the old established account.

Q. Yes.

A. It's downstairs.

Q. Would you get it up here to us?

A. Yes.

Q. Not now; I mean when you get through with this.

MR. GLADNEY: One minute, Mr. Chairman. In regard to the offerings that he just made, we object to the offerings on the ground that they haven't been identified by the person who actually made the documents and, therefore, they are not properly admissible in any court record or this hearing either.

BY THE CHAIR:

Q. Mr. Young, do you have any copies of the previous documents where checks were issued to 1830? You know, where the company has issued checks, Cargo Carriers -- do you have any old documents where they --

A. No, they -- they would be over at the office in the file, but I have some -- some copies of the ones from the company where I've collected: namely, Baton Rouge Marine, Rogers Terminal, Ryan Stevedore.

Q. Would you furnish us with those copies after this, Mr. Young?

A. Yes.

MR. COLE: In connection with the objection and the question I would like to offer by way of explanation to the trial committee --

MR. CHITTENDEN: Before you offer an explanation, how about -- you are offering this and we accept it in evidence. Would you number it what you'd care to put on it so we can know what it is?

MR. COLE: I would mark them then "Charging Party 1, 2 and 3."

MR. CHITTENDEN: Any way you want on the side so we'll know exactly what came from

either side.

MR. COLE: All right. I've marked the items "Charging Party I through 4." By way of explanation I would like to point out that when Mr. Young inquired about the checks from the companies, the companies told him that the checks were available --

MR. JONES: Now, wait a minute, Mr. Cole. You are not --

MR. COLE: -- but that --

MR. JONES: Wait; hold it.

MR. COLE: -- they would not surrender them without a subpoena.

MR. JONES: Mr. Cole is not to testify; let Mr. Young testify.

MR. COLE: I would ask that the trial committee hear this explanation simply because it involves --

MR. JONES: Do you want to take the chair? We'll put you under oath.

MR. COLE: You have heard testimony this morning from every lawyer in this house but me.

MR. CHITTENDEN: Just a minute, gentlemen. We are going to say this. You heard what Mr. Dixon said a few seconds ago. Now, if we are going to have constantly on this thing-- we said we are going to give both sides a standing objection to everything there because we want to get it in and we're certainly going to -- every phase that's

being objected. But if we can't hear all the witnesses, and we're certainly going to let you gentlemen conduct the hearing, then we want to hear both sides and what they are going to say, so we are going to allow you all the same leeway that we allowed Mr. Cole on his time. So we are going to accept these -- his testimony, and certainly as I was sitting there you heard The Honorable Gordon West accept and say he was going to even listen to hearsay evidence also and allowed it to participate in, and so we are going to say the same thing. So we are giving you a standing objection. We understand what we're doing.

MR. JONES: Mr. Chittenden, we are not objecting to hearsay evidence as such. We are not objecting to Mr. Cole testifying but we want him to do it under oath.

THE CHAIR: Mr. Cole isn't testifying. Mr. Cole is just --

MR. JONES: And he is certainly welcome to give evidence even if --

THE CHAIR: Mr. Jones, Mr. Cole isn't testifying. He's only giving the information why he's introducing this in evidence.

MR. COLE: If I may continue then, the companies prefer not to turn over their records without a subpoena, and when it was explained to them that this was a trial committee of the International and it was not a court of law and has no subpoena power to compel Stevedore to turn over their records, they kindly consented to make the list and furnish to Mr. -- we offer it for that purpose only. I have no ironclad way

of knowing, and I'm sure Mark doesn't, whether this is all the checks they have written or not. This is merely the list they gave us -- to him.

THE CHAIR: Yes. Thank you, Mr. Cole.

MR. COLE: --when he asked for it.

MR. CHITTENDEN: I'd like to ask Mr. Young a couple of questions.

BY MR. CHITTENDEN:

Q. Question number one, Mr. Young, you said there are two bank accounts; the old bank account, what bank was that in?

A. Bank of West Baton Rouge.

Q. West Baton Rouge. And that's where you cosign checks?

A. Yes.

Q. Do you have that bank book?

A. Yes, I have it right here.

Q. Yes. All right. Now, do you have the deposit receipts that went into that particular bank when you deposited; do you have those receipts?

A. Yes, sir. Some are at the office and I have some -- I have some photostats downtown, but the main copies are at the office. I have some photostats in my brief case, but they are kept in the file over in the office.

Q. Now, do you have the checkbook that you

write checks on?

A. Yes.

Q. You have that: do you have the canceled checks from West Baton Rouge --

A. No.

Q. -- of the old bank account? Do you have the canceled checks on the old bank account?

A. It should be there in the office.

Q. In the office. Okay. Now, according to the International constitution the secretary-treasurer should cosign checks with the president. Under this new bank account, which they stated is the First National Bank, do you cosign those checks?

A. No.

Q. You don't see the checkbook --

A. I've never seen any checkbook. All I hear-- I heard it brought out in federal court, and I went back over to the bank because I was -- I was behind on everything, and I went over there and inquired and they told me they had an account there.

Q. Now, one other question. You stated in the beginning that you and Mr. Dixon were there when certain documents were taken out of the safe. Who else was with you and Mr. Dixon when that safe was opened?

A. Elmo Smith and they -- and they had one deputy. I don't know who he was, but I know Elmo Smith was there. He has a dupli-

cate list and there were several other people.

Q. Who opened the safe?

A. This fellow from A-1 Safe Company.

Q. Oh you had a safe man come to open it?

A. Yes, sir.

Q. That answers the question. I wanted to know because they said that they didn't have the combination. I wanted to check and see who opened the safe.

A. Yes, sir.

Q. One other question. The bank box that you used to have, what was the number of that bank box?

A. The bank box?

Q. The safety deposit -- when you get your mail, is the mail delivered to you --

A. You mean the post office box?

Q. -- or to the post office box?

A. 197.

Q. 197. Under this new bank --

A. No, that's the post office box.

Q. The post office, that's what I say: now, in this case here now, you still receive your mail to your knowledge under that one -- by post office box 197?

A. To my knowledge, 197.

Q. That will be all.

MR. CHITTENDEN: Thank you, Mr. Chairman.

CROSS EXAMINATION

BY MR. GLADNEY:

Q. Mr. Mark Young, --

A. Yes, sir.

Q. -- you were elected financial secretary the first of the year I believe is your testimony.

A. Yes, sir, the last election.

Q. The last election. Did you support Harvey Netter for president at that time?

A. Yes, sir.

Q. And you've been an officer of the union along with Harvey Netter as president for the past how many years?

A. Oh, Mr. Gladney, I think it dates back to 1956: the local was about one year old.

Q. And the people who voted for Harvey Netter also supported you for office, did they not?

A. Not necessarily; not necessarily.

Q. A good many of them?

A. Not necessarily. You'll find one count where one winner had 87 and one had 130.

So that isn't indicative of solid support right down the line.

Q. And who ran against Harvey Netter for president?

A. Mr. Bailey.

Q. And who else ran against him?

A. Mr. Boudreaux, Mr. Antoine Boudreaux.

Q. Who ran against Harvey Netter for president besides Mr. Bailey?

A. Mr. Boudreaux.

Q. In that election did you support Harvey Netter?

A. Yes, sir, I supported Mr. Netter.

Q. And you've been opposed to Alton Bailey in the election as president?

A. Mr. Gladney, if I'm with Mr. Netter I couldn't support the rest of them. I --

Q. And who got elected president at that election?

A. The first election there was a run-off. Mr. Netter -- in the first election Mr. Netter was the high man, Mr. Bailey was second and Mr. Boudreaux was eliminated.

Q. And in the second run-off did you support Harvey Netter?

A. I won my election.

Q. And did you support Harvey Netter for

president in the run-off?

A. Yes, I won with him: the first go around I won: naturally I'd stick with him the second time.

Q. And were you at the meeting when Alton Bailey was installed as president?

A. Well, they had two going on. Which one you have reference to?

Q. Well, explain both of them.

A. We had one took place on -- on one Sunday, and the other one took place when Mr. Chittenden came down.

Q. Which one did you attend?

A. I attended the last one.

Q. Now, can you give us your reason for not attending the first installation?

A. Because I had read a telegram that was sent from the district president, Mr. Ralph A. Massey, and he said that -- he sent the telegram and he said in order to have a smooth and orderly transaction," he said, "March 11th is the date for installation." And he said, "Best wishes to the incoming president and the outgoing," and I thought that telegram made it official, and that was why I didn't attend the installation.

Q. Okay. But after you read that telegram you did attend the installation of Mr. Chittenden?

A. Yes: I was informed that it was moved up,

the date was moved up.

Q. Now, at the time the election was held when you were elected and when Harvey Netter, Boudreaux and Bailey ran for president, who supervised that election?

A. The International office supervised that.

Q. Now, what date were you installed as financial secretary this last time?

A. It was the latter part of February, either the 27th, 28th, something like that; it was the latter part of February.

Q. Was that the same date that Bailey was installed as president?

A. Yes, sir.

Q. Now, since his installation as president, have you cooperated with Bailey and performed your duties every day?

A. Mr. Gladney, the word cooperation is a two-way street.

Q. Did you cooperate with Mr. Bailey since he was elected president?

A. I did my duty as I saw it and as it was limited to me.

Q. Did you come to the meeting hall every day?

A. I beg your pardon?

Q. Did you come to the meeting hall every day?

A. First to clear the record, Mr. Gladney, I works for my living. I'm paid secretary-treasurer salary part time. I'm not blessed to have -- I do not get vacation, welfare, and -- and I do not get vacation, welfare and pension like the full time people. I have to go down and scratch for my living; and then I come back because no one has seen -- seen fit why the secretary-treasurer should be accorded this, but yet these are burdens heaped upon him. When I come in at night someone buzz and say he got to have some checks made. I have to go and make that or somebody has to get up at 10:30 in the morning, and I spoke to the new administration about this, and I was told that as long as I take the stand I take I wouldn't receive it. That's cooperation for you.

Q. Let me ask you, Mark, prior to February 27, 1969, when you were financial secretary under Harvey Netter, how long did you serve under him as financial secretary?

A. Since 1953.

Q. And this last year, 1968, as financial secretary, describe your activities as to how you performed your duties as financial secretary in 1968?

MR. COLE: Mr. Chairman, --

BY MR. GLADNEY:

Q. We want to compare that for what you did this year.

THE CHAIR: Mr. Cole.

MR. COLE: Mr. Chairman, I have no idea what

the point of this lengthy examination of the witness is. I haven't heard one question directed to the evidence which the witness has testified to in his hearing. I don't wish to raise an objection, but --

THE CHAIR: Mr. Cole, --

MR. CHITTENDEN: We are not going to allow you to raise the objection. We've given you the same privilege as we have the others. We certainly are not going to cut Mr. Gladney off. We don't know what he is driving at either, but --

MR. COLE: I admit that but I would like for the record to show this.

MR. CHITTENDEN: -- we are going to give you the same privilege, a standing objection.

MR. COLE: Fine.

MR. CHITTENDEN: Let Mr. Gladney continue with his questioning.

MR. COLE: Thank you.

A. (The witness did not reply.)

BY MR. GLADNEY:"

Q. In carrying out your duties as financial secretary in 1968, tell the committee what you actually would do over any one month? What did you do, what did you --

THE CHAIR: Mr. Gladney, might I ask a question?

MR. GLADNEY: Yes, sir.

THE CHAIR: What are you trying to prove?

MR. GLADNEY: We intend to prove that since he has been financial secretary under Alton Bailey that he has not performed the duties the manner in which he did under Harvey Netter, that he has not come around the hall, he has not shown up to either sign the checks or take deposits to the banks on numerous occasions, and because of his not doing his duty after Alton Bailey was elected president, the membership committee passed a resolution which reads, "Whereas, The Financial Secretary-Treasurer Bro. Mark L. Young has failed to perform the duties of his office as required by the Constitution and By-Laws of Local #1830 I.L.A. by refusing to comply with the provisions of section (d) Article VIII of said Constitution and By-Laws, and

"Be it Therefore Resolved, That the members of this organization do hereby go on record as censuring Bro. Mark L. Young for his failure to perform the duties referred to above, and

"Be it further Resolved, That the members of Local #1830, I.L.A. do hereby demand that Bro. Mark L. Young cease and desist in his refusal to perform the duties of this office when ordered to do so by the President, and

"Be it also further Resolved, That the provisions of section (d) Article VIII of the Constitution and By-Laws of Local #1830, I.L.A. requiring the Financial Secretary-Treasurer to sign all checks and other instruments for the payment of money be suspended and that the President be authorized to sign all checks for current

expense alone, until such time as the Financial Secretary-Treasurer agrees to perform his duties or is removed from office for failure to do so." That's what --

THE CHAIR: When was that dated?

MR. GLADNEY: The date of this resolution?

THE CHAIR: Yes, sir, what was the date of the resolution?

MR. GLADNEY: I'll give it to you in just a minute, Mr. Chairman.

MR. BAILEY: June 16th.

THE CHAIR: What was the date of the trial in Judge West's court?

MR. BAILEY: June 23, I believe.

THE CHAIR: I would consider that resolution moot because Judge E. Gordon West gave Mr. Young a mandate to cooperate with Mr. Bailey and to sign any documents or checks that were brought before him. I think since that time Mr. Young has stated under oath that anything that's been tendered to him by Mr. Bailey has been signed, and I don't think the question is relevant to this case.

A. Mr. Gladney, that resolution you have there was never read in meeting.

BY THE CHAIR:

Q. That's all right, Mark. You don't have to argue about that.

A. Yes, sir.

THE CHAIR: He is reading something there that's prior to the trial.

MR. GLADNEY: Mr. Chairman, you asked me what I intended to prove. I intend to prove --

THE CHAIR: I know, but that resolution was prior to the time that the case was heard in Judge West's court. You are coming up with something old. Since that time Judge West has given Mr. Young a mandate to cooperate and from both sides the statement that Mr. Young has cooperated and signed checks.

MR. JONES: Mr. Chairman, the point of the First National Bank bank account is one that came into existence --

THE CHAIR: Mr. Jones, we are not discussing--

MR. JONES: -- prior --

THE CHAIR: -- we are not discussing the First National Bank. Mr. Gladney was trying to bring in a question of whether Mr. Young has cooperated. We are not talking about the First National Bank now: we'll get to that.

MR. JONES: What we are talking about, though, Mr. Chairman, we're talking about the fact that the list that was presented in evidence, "2, 3 & 4, Charging Party," --

THE CHAIR: We told you, Mr. Jones, if you had any objection to that you can bring it up later. Let him get through with his questioning.

MR. JONES: What he is saying now is that the 16th and opening of the bank account which you say that Mr. -- the charging party is charging Mr. Bailey with, the fact that he had a bank account --

THE CHAIR: That isn't the question that Mr. Gladney is asking Mr. Young.

MR. JONES: No, we are not talking about the question. We are talking about --

THE CHAIR: I want Mr. Gladney to finish the question he was asking.

MR. JONES: We are talking about --

THE CHAIR: I don't want the man confused.

MR. JONES: -- so far as the --

THE CHAIR: Look, Mr. Chittenden told you once before we -- we are not going to -- we are not going to let your legal minds confuse us. Mr. Gladney in the form of a question asked whether Mr. Young was cooperating with the present administration and in the First National -- the money in the First National Bank has no bearing on what Mr. Gladney is asking. So let Mr. Gladney finish his question.

MR. JONES: He related to the order; he related --

THE CHAIR: Will you let Mr. Gladney finish his question, Mr. Jones.

MR. HENRY: One at a time.

BY MR. GLADNEY:

Q. I ask you at this time, describe for the committee, the trial committee what you did in carrying out your duties while you were financial secretary under Harvey Netter.

A. Well, number one, Mr. Gladney, that's two different administrations. And number two, Mr. Netter lived on the premises· he lived on the premises: he lived upstairs. And as I explained to you, I have to work for my living. I leave home in the morning at 6 o'clock and I'd come down to Mr. Netter and get the bills and stuff and make it out and leave it -- and leave it at the office or either I -- and now and then I had access to the office: I could come in and go any time I wanted. I got off at 6 o'clock in the evening· I could go to the office, unlock it, go in and make out the checks and leave there, and then Mr. Netter understood-- Mr. Netter understood some things and all. Mr. Bailey had a court with him that was very antagonistic: he had a court that followed him around that was very antagonistic. And -- and when you speak about cooperation, I did the best I could under the circumstances. All salaries was raised in that organization. Where have you seen a president raise his salary twice in proportion to none for the -- for the recording -- for the secretary-treasurer? His salary was raised twice against mine none. His back pay has been paid: I haven't gotten any up to today. His vice-president gets $25 a week for smoking cigars· all he do is walk around. Then you speak of cooperation.

Q. And did you refuse to come around the hall because you think that you could --

A. No, sir. I did not refuse to come around. I admit the president is a busy man, but he have a secretary there. I -- I go over there and I say, "What we got here?" She say, "Nothing." She's out there; what I might do, call her in, I say, "What you got?" "Nothing." I don't ever see Bailey until in the evening, and that's now and then. Bailey comes over in the evening around 3:00, 3:30, or something like that; I don't ever see him. How -- what am I supposed to do, go look for him?

Q. Come to the union hall; you wouldn't see Mr. Bailey -- I guess you were supposed to see him at the union hall. Did you see --

A. Well, why should I see him if they got a mail box? Why don't they give me the combination? I don't need to see him.

Q. I see.

A. What I'm going to see him for and the mail coming in there?

Q. You didn't try to see him or find out from his what had to be done?

A. What -- what -- what do you expect for half salary? What do you expect for half salary? What I'm supposed to do, hang around the building and wait until he comes?

Q. The question is, since February 27, 1969, after Mr. Bailey was installed as president and you installed as his financial secretary, did you come to the union hall and see what bills had to be paid, what checks had to be paid, what monies had to be

deposited, --

A. Yes. Yes.

Q. -- and did you discuss these matters with Alton Bailey every week since that time?

A. Mr. Gladney, Bailey's job as president shall not abridge my job as secretary-treasurer. My latest deposit-- you can look at my deposit slips and see how they are set up. I have a photostatic copy downstairs. You can see the order: you can see how I attended. My last deposit was made on August 6th, a photostatic copy left right there in the office-- right there in the office, and I do not work by myself. I carry the business agent with me to pick up money, and the three of us, the office secretary and the business agent and I, we make out photostatic copies of the checks each individually and we leave one in the office: a photostatic copy of the deposit slip, that's left in the office, and that's done in the morning. Remember, the bank close at 2 o'clock. Ask Mr. Bailey when do he ever get to the hall before 12:00.

Q. Isn't it a fact that you did not cooperate with Mr. Bailey, and that you did not sign the checks as needed to be, that you did not take the money to the bank, and that you did not function as a secretary--

A. Did not take what money to the bank?

Q. Any money that the office had and --

A. What office had?

Q. The office for the local, money --

A. I pick up the money and deposit it. I told you I don't know anything about his -- about his -- his -- about the other account he has. He can't pan this off on me. He's trying to switch the buck. I know what he's trying to do. He want to have it said he had to go down there and make out -- I made out every check that organization had to have. I have the record; I even paid you for the court when we first had it. I tend to all that. He's trying to switch the buck: he's trying to pass the buck, that's what he's trying to do. And that's why I went to the company and got that list because I figured this would come up.

Q. Did you attend a meeting on June 16, 1969, when a motion and resolution was read to censure you for not carrying out your duties?

A. When was it, when was it, when they had it? Mr. Gladney, for your information --

Q. June 16, 1969.

THE CHAIR: Mr. Gladney, I'm going to call your attention again, I'm going to call your -- we don't want that in the record; I want it stricken from the record because I call your attention to it again, that was on June 16th, and Mr. Young admitted before Judge E. Gordon West at the time he was not cooperating and Judge West gave him an order not only that, he served him with a petition on June 23rd that he must do that, and he's doing it now, so that's immaterial what you are talking about now. That was prior to the time that he wasn't cooperating.

MR. GLADNEY: Mr. Chairman, we are not trying to go into anything that --

THE CHAIR: Yes, but you accused the man of insubordination there prior to the time that Judge West gave the order.

MR. GLADNEY: The man is under cross examination, and as counsel for Alton Bailey and the officers, I should be given the leeway to examine him, and because --

THE CHAIR: I don't think you should go back into something that's moot in time now because he had been cooperating since he got the mandate.

MR. CHITTENDEN: Mr. Gladney, isn't it also-- of course, it's to my knowledge also, the point that you constantly keep raising here against Mr. Young, this point has never been brought out in The Honorable Gordon West's court on this thing, not to my knowledge, and I was sitting there. It seem if it had been a pertinent question that you would have brought this out had this been in your possession prior to this particular trial of Mr. Bailey over at the court, I think you would have brought that out, and now suddenly you come up here with a resolution. We don't mind you questioning Mr. Young, but Mr. Young is not on trial; he is a witness here, and we are trying to find out the truth of the story. We're letting you all have all the leeway in the world even though we've given both sides the right for constant objection but, you know, ask the questions and just don't rile the witness to get it. If he gives you one answer to it, just constantly--don't constantly refer back to it because we could

be here a month, and certainly we want to hear everybody, and both sides have lots of witnesses. And in this case he said he deposited the checks and he also told you, too, that he works for a living, and I think you've got the answer to that.

MR. GLADNEY: May it please the committee, one of the charges against Bailey is the way that "Alton J. Bailey has handled certain check off funds belonging to Local, District and International for an extended period of time but has to date failed to file with the Local a bond and has indeed subverted certain funds from the checking account of the said Local and has placed same in a checking account in the First National Bank of Port Allen which requires only his signature, all in violation of the Local and International Constitution and the laws of the United States; ..." In part of the explanation for the statement and his testimony about it is the very heart of this stuff that we intend to prove by him, that he did not cooperate --

MR. CHITTENDEN: What was the date, Mr. Gladney, you are speaking about? The Chairman asked you several times for the date, yet you have not given a date. You talk about reading the minutes; we are just asking you a date.

MR. GLADNEY: We gave the date, June 16th, 1969.

MR. CHITTENDEN: All right. Now, didn't the judge tell Mr. Young as of that date effective to go out and sign all bona fide bills and checks and pay off what was brought to him? Now, the judge ordered that, and I'm sure he's taken that as an order. That still does not require that the second bank

account be honored, and to me when the judge ordered him -- now, if he is not performing on what the judge ordered, then that's a case for the judge in that particular court. So the judge ordered him to do a specific item and we also instructed him as International, and certainly the district president was there, and so in this case I'm sure he's carrying out the -

MR. JONES: Mr. Chittenden, that allegation from the specifications and charges should be stricken, we should strike it from the charges, because it's moot and, therefore, no evidence is due on it because it's something that has already gone before the court.

THE CHAIR: We didn't bring it up, Mr. Jones. I tried to --

MR. CHITTENDEN: Your colleague brought it up.

THE CHAIR: Your colleague --

MR. CHITTENDEN: Your colleague brought it up.

MR. JONES: It's a part of the specifications and charges here now, and if that same thing has happened before the court and the court has ruled that it was proper for Mr. Bailey to open the First National account -- First National Bank account in order to carry on the business and --

THE CHAIR: Oh, no. No.

MR. CHITTENDEN: Just a minute. In all due respect to the judge, Mr. Jones, now on one case you say you asked him that certain documents and things be stricken and

certain portions of this record be stricken and your colleague put it in there. On the other hand, you say that the judge instructed -- the judge did not he instructed Mr. Young to go out and perform his duties and sign all the necessary checks and perform the duties of secretary-treasurer of that organization, but he did not go beyond that. He instructed him to perform his duties.

MR. JONES: Then the question comes, has Mr. Bailey opened up an additional account since the hearing in the federal court?

THE CHAIR: That isn't the question or rather the question here is whether or not--the question is now whether or not since Judge West's mandate, and Mr. Bailey stated in the court as to why he put this money in the First National Bank in West Baton Rouge was because he did not get the cooperation out of Mr.Young, but since the judge's mandate that Mr. Young signed any checks that Mr. Bailey produced. The question is now, since Mr. Young is cooperating and signing checks, whether this money in the First National Bank has been transferred back to the union's account.

MR. JONES: The question should be to Mr. Young is whether or not that any deposit had been made to the First National account--

THE CHAIR: Mr. Young wouldn't know because he never made any.

MR. JONES: -- First National Bank account since the hearing at the federal court.

THE CHAIR: Mr. Jones, Mr. Young stated -- and

I think you understand the English langu
Mr. Young stated specifically that he kn
nothing about the First National Bank tr
action other than there was an account
there.

MR. JONES: Then will The Chairman-- will Th
Chairman concur with me in this line of
thinking? That if no deposits have been
made in the First National Bank since th
federal court hearing, then that allega-
tion of the specifications and charges i
moot.

THE CHAIR: No, no. Let me ask you one ques
tion since you rose the question. We
weren't intending to -- has there been a
checks wrote on the First National Bank
since Judge E. Gordon West's --

MR. GLADNEY: We are going to put Mr. Bailey
on the stand.

THE CHAIR: We are going to put him on; don'
worry.

MR. GLADNEY: I understand it's his testimon
that the answer is no, but we are going
put him on there to put that in the reco

MR. CHITTENDEN: We'd like to recommend -- w
are also stating that we want Mr. Mark
Young to bring his bank book, bank state
ments, bank receipts and canceled checks
from the bank that he has signed and co-
signed checks, which is the West Baton
Rouge bank.

A. Mr. Chariman, I do not have the canceled
checks that returned. I do not know
where-- I do not have access to them, a

I'm going to say this because something may be expected of me in an effort --

BY MR. CHITTENDEN:

Q. If you don't have them, Mr. Young, say you are not in possession of those particular items, which you don't have them; just state that you are not in possession of those items, that's all, but bring what you have in your possession.

MR. HENRY: Mr. Chairman, I would like to ask a question on that.

BY MR. HENRY:

Q. You are the secretary-treasurer.

A. Yes, sir.

Q. You don't get the canceled checks back; they don't come to you?

A. Mr. Chair -- I mean, Mr. Henry, what I want to say here is now we -- it's just -- we are between the president, there's something conflicting there, one officer abridging the other. I do not have that. These -- these things are locked in the safe and I don't have that.

BY MR. CHITTENDEN:

Q. Just say you don't have them; they are not in your possession.

A. No. I imagine they are somewhere but I don't have that, Mr. Chittenden.

BY MR. HENRY:

Q. Since you went to court and the judge ordered you to cooperate with the president and sign checks paying bills and whatnot, has that account of any -- from the First National Bank been turned over to you as secretary-treasurer so that you would know what was in the other account?

A. I left that -- I left the judge's court on June 23rd, and just as much as I heard about my being uncooperative today since I've been here, and that's a lot of time left, nobody handed over any account to me nobody told me anything. Brother Bailey sees me around there periodically. He never told me anything, I'm restrained, I didn't tell him anything. I went on and made out these accounts because I didn't want to get in trouble with that judge there, and I wrote these checks out. Now that's since -- since the 23rd of June and the whole of July passed; nobody said anything to me; nobody turned over any money or any checks to me.

THE CHAIR: Do you all have any more question Any more questions?

MR. GLADNEY: Yes, I've got some more questio

BY MR. GLADNEY:

Q. Then in answer to my prior questions is it -- neither you have been cooperating with Mr. Bailey and you think he hasn't been cooperating with you in regard to th two offices, financial secretary and president?

A. Mr. Gladney, I ran on a ticket with Mr. Netter and somehow that done got to be a sin, but just actually you can support wh

you want and when you want. And every time I come up here, oh, Mr. Netter is at it again. If somebody stomps their foot, Mr. Netter done it. Mr. Netter got as much right to run for president as anybody in the world, and I ran on Mr. Netter's ticket, and I emerged, and out of that election some lost, some won, but I emerged as the highest position on the ticket, so it's only natural that all this that's never ending would settle on me. And what -- and what's the next move? Process of elimination, we've got to get him out we've got to move him. And that's a common term on the dock board, "Yes, that Mark, let's get him out; we got to move him." And what I'm trying to say here --

BY MR. HENRY:

Q. Mr. Young, will you cease your remarks, please? We are not interested in any politics within the union whatsoever. I think if we ask you a question in order to get the proper information you should answer it, but as far as politics in the union this committee is not interested in it whatsoever.

A. Think you. I knew what the question meant.

BY MR. GLADNEY:

Q. I show you a document marked "Charging Party #1" and ask you who you received it from and when?

A. This came from Southeastern Terminal.

Q. Who is the person that you received it from?

A. Well, it came from their administrative department.

Q. You can't name the person you talked to?

A. Well, it came from their administrative department. I imagine it's somebody over there: the general manager is Mr. Richard Daniel.

Q. Yes, but who is the person, the man or woman who handed you this document?

A. This was a telephone conversation. Now, who the subsidiaries are over there, I do not know.

Q. Who did you talk to on the phone?

A. I talked with the general manager, and I asked him if he could prepare me a list of the checks he had mailed to Local 1830 over a certain period. This was for my protection.

Q. Who prepared the list for you?

A. I do not know who prepared it.

Q. How did you receive it, by mail?

A. It came by mail.

Q. And when did you receive it?

A. Sometime after: I don't know the date on the envelope. I'd have to get it and look at it.

Q. And what period of time did you ask the manager for a record on the checks issued?

A. I told him I'd like to have it for the end of the quarter, and this was after the quarter had passed. I asked him would he go back to the end of the quarter and get it for me, and I said, "While you are at it bring it up current."

Q. When is the end of the quarter?

A. June 30th; and I asked him to bring it up current and so he brought it on through--

Q. You made the request for this document after July 1st?

A. Now, I have another one I made a request from Cargo Carriers; it hasn't got here yet.

Q. Who did you request it from?

A. The general manager.

Q. What is his name?

A. Mr. Best as far as I know, Mr. Tom Best-- that's Cargo Carriers.

THE CHAIR: Mr. Gladney, it's a general procedure, not only in Local 1830 but all the I.L.A. locals, for their own protection to call the company's payroll department and request a copy of the last part of the payroll to see whether they are being treated right. Mr. Young has done no more than anybody else in the I.L.A.; that's the general procedure. And a lot of times you don't know who in the heck you are talking to. You talk to somebody in the payroll department, let them know you represent the local, what local you are representing, and you request that

information, and they are forced to give it to you under our contract.

MR. GLADNEY: I'm only trying to establish, Mr. Chairman, who prepared this document.

THE CHAIR: He doesn't know; he doesn't know who prepared it. All he -- he requested them to prepare it. It doesn't make any difference because somebody in the company prepared it. He don't go down there and put his finger on who write-- who sends it.

MR. GLADNEY: Well, that's what I'm trying to establish.

THE CHAIR: He couldn't tell you that because I couldn't, and nobody else could tell you that.

MR. GLADNEY: He doesn't know -- really know that somebody in the company prepared it; he doesn't know who prepared it, --

BY MR. GLADNEY:

Q. -- do you: you don't know who prepared this document, do you?

A. I beg your pardon?

Q. You do not know who prepared the document marked "Charging Party #1"?

A. Well, whoever prepared it they had asked us for these canceled -- for these checks here that they had mailed out prior and a few of them coincide, these checks right here. Whoever prepared them had these and these had been mailed prior, so evidently it was somebody that knew what they were doing, checked the number of those that we

wanted to check on. Whoever it was knew what they were doing.

Q. Okay. Now, I show you a document marked "Charging Party #2" and ask you who you received it from and when?

A. That came from Ramsay Scarlett and Cargo Carriers: Ramsay Scarlett is more or less the parent company, and Southeastern Terminal is an offspring, but it more or less come out the same book work department so these came in the same invoice.

Q. Both of them came from the same company?

A. But I think these people will identify themselves with that.

Q. Well, I'm asking you, though, who you got it from?

A. I got it in the mail.

Q. And who did you talk to on the phone when you requested it?

MR. CHITTENDEN: Mr. Gladney, you are wasting--

THE CHAIR: You are wasting our time.

MR. CHITTENDEN: You are wasting our time now. We are going to stop this thing. We are going to call your hand on all of these things because you are going to constantly come down -- he's told you about 25 times--you are aggravating the committee; he has told you about 25 times he don't know. Now, I'm sure that Mr. Netter and Mr. Bailey don't know: I don't know and you heard the Chairman say that he don't know how they prepared it and if he don't know he told you that. Now, after all, once he

says he don't know, it's in the records that he don't know. You don't have to constantly press the question because there's nothing he can do, mainly because we are going to call his hand if he does say it, because --

MR. GLADNEY: Thank you.

THE CHAIR: You are wasting time because I was going to just--

MR. CHITTENDEN: Right now let me say this. We also have another federal court in New Orleans tomorrow, so if we go right now you are just prepared to stay here until midnight tonight, and this is not going to be adjourned and come back tomorrow or the next day. You just might as well make yourself recognize the fact that if you are going to prolong it, constantly prolong it, we are going to start shortening your time because we can't -- we've got a federal court in Judge Christenberry's tomorrow and we've got to be there so we are going to start shortening you down by this committee.

A. (The witness did not reply.)

BY MR. GLADNEY:

Q. I show you a document marked "Charging Party #3" and ask you who prepared that document?

THE CHAIR: You are asking the same question, Mr. Gladney. He don't know who prepared it.

MR. COLE: I think he does know who prepared this one--

THE CHAIR: He does?

MR. COLE: --may it please the trial committee.

A. That was --- that was prepared by the office secretary.

BY MR. GLADNEY:

Q. The office secretary. Now, you testified about the executive committee of Local 1830 having a meeting at which time a motion or resolution was made to the executive committee in regard to decreasing the initiation fee for the local union. Can you tell us when this executive committee meeting was supposed to have been held and where?

A. I beg your pardon?

Q. You've testified that it was presented to the executive committee of your Local 1830 a motion to reduce the initiation fee for your local.

A. Yes, sir.

Q. When did that meeting take place?

A. I don't know the date but it took place at the hall, and anyway the executive board voted it down.

Q. Well, who was present at that meeting when it was voted down?

A. Oh, Mr. Gladney, that's a job. You see, we have sixteen officers in the local. They got somewhere around 18 or 20 appointed, something like that. Now, everybody wasn't there, but it was enough for the confusion, you see, to help confuse it.

Q. Who took the minutes of that executive committee?

A. Oh, I imagine the recording secretary.

Q. Who is that?

A. Jones.

Q. Can you tell us about when it was; was it after Mr. Dixon came and attempted to place the union in trusteeship or was it before that?

A. I -- I don't know.

Q. Was Mr. --

THE CHAIR: Mr. Gladney, have you got very many more questions?

MR. GLADNEY: Yes.

THE CHAIR: Have you got very many more questions of this witness?

MR. GLADNEY: Just a few more on things that he talked about.

THE CHAIR: How long -- I mean how many more questions?

MR. GLADNEY: I can't tell you exactly.

THE CHAIR: We are going to adjourn this meeting until 3 o'clock.

MR. GLADNEY: Okay. We'll be back at 3:00.

THE CHAIR: We want to instruct Mr. Bailey to bring the records, the checkbooks and the canceled checks from the First National Bank.

MR. BAILEY: I don't have those.

THE CHAIR: Who has them, Mr. Bailey?

MR. BAILEY: I have them.

THE CHAIR: I beg your pardon?

MR. BAILEY: I have them.

THE CHAIR: You have them? Will you bring them back?

MR. BAILEY: Can I bring them back?

THE CHAIR: Yes.

MR. BAILEY: I have to go to Port Allen to do that -- in order to do that.

THE CHAIR: You don't have time to go get them? We are going to have to have them.

MR. BAILEY: Well, I mean I would like to eat the same as anybody else --

THE CHAIR: Just cross the bridge and --

MR. BAILEY: -- in one hour

THE CHAIR: We are going to have to have them. Get somebody to go get them, Mr. Bailey. The committee is instructing you to bring them back.

MR. COLE: I would ask the committee to instruct also that the canceled checks which are in the safe apparently in the office on the First -- on the Bank of West Baton Rouge also be brought back, too.

THE CHAIR: Right.

(RECESSED FOR LUNCH AT 1:55P.M.)

BY MR. JONES:

Q. Mr. Young, --

A. Yes, sir.

Q. -- how long have you been the financial secretary of the organization?

THE CHAIR: Mr. Jones,--

MR. JONES: Yes, sir.

THE CHAIR: -- I don't think we should keep repeating it. Mr. Gladney has gone through that procedure asking Mr. Young how long he has been secretary and all, and I think your--

MR. JONES: That's the only question --

THE CHAIR: -- question --

MR. JONES: That's the only question, may it please the committee, that I'm going to ask.

THE CHAIR: All right, please.

MR. JONES: Yes, sir.

A. Since from the latter part of '63.

BY MR. JONES:

Q. Now, at the time that you opened the safe when you took this organization over in trusteeship, was Mr. Bailey present?

A. I beg your pardon?

Q. Was Mr. Bailey present at the time you all got a locksmith to open the safe?

A. Was he present?

Q. Yes.

THE CHAIR: What was the question?

MR. JONES: At the time that Mr. Dixon and Mr. Young had a locksmith to open the safe and take things from the safe. I want to know whether or not --

A. They -- he had been over there arguing. I don't recall --

THE CHAIR: Excuse me. I don't think that Mr. Young should answer that question. Mr. Dixon is the man that ordered that safe opened, and I don't think Mr. Young should have to answer it.

MR. JONES: And the reason why I'm asking the question, Mr. Chairman, is that at the time that the safe was opened and things were being taken from it that Mr. Bailey or a representative of Mr. Bailey should have been there in order to witness what was being taken out of it in order to know whether or not that everything was accounted for on the check-out list.

THE CHAIR: Well, at the same time Mr. Dixon ordered the safe opened and Mr. Dixon had had conversation with Mr. Bailey, and I don't think Mr. Young -- it's going to be only hearsay what Mr. Young says and I think there shouldn't be any hearsay.

MR. JONES: He was there; he should remember.

THE CHAIR: He -- I don't think he was with Mr. Dixon at all times.

BY MR. JONES:

Q. Were you there at the time that the locksmith was there?

A. I was somewhere in the vicinity. They had an officer or some deputy sheriff was there too, when that thing was opened, and that's not the only copy. The office secretary itemized the things because she had access to the safe and she itemized those things and listed them on there. Mr. Dixon didn't prepare that list.

Q. I understand. But Mr. Bailey wasn't there?

A. I don't know if he was there or not. He had -- he had been around that morning earlier but I don't know if he was there.

Q. Was he in jail?

A. I don't know.

Q. Had you all had him arrested at that time?

THE CHAIR: Again Mr. Young did not have Mr. Bailey arrested.

MR. JONES: Okay. I'll leave that alone, sir.

A. (The witness did not reply.)

BY MR. JONES:

Q. Now, I give you -- let me show you these check-out lists again here, Mr. Young, "Charging Party 1," "Charging Party 2,"

you see those?

A. Yes, sir.

Q. You are familiar with them?

A. I've looked -- I've looked over them.

Q. Have you read them?

A. Yes, I've looked over them. Some of the checks in here are listed on third items. Some of the checks they have notations behind them: some of the checks here are listed on third items.

Q. Now, did any of these checks here, did you -- did they come into your possession?

A. Did they come into my possession?

Q. Yes. Did you ever have them in your hand; did you receive these checks?

THE CHAIR: Mr. Jones, what are you trying to prove?

MR. JONES: I'm asking now as to whether or not he received any of these checks because the charge is that he hasn't been able to perform his duties, and that his duty was to handle these checks and take them to the bank and make deposits as well as to sign and countersign checks.

THE CHAIR: What date are the checks you are talking about?

MR. JONES: Well, he has the lists here, which is "Charging Party 1" and "Charging Party 2,"--

THE CHAIR: Yes.

MR. JONES: -- and I'm interested in knowing whether or not any of these checks have come into his possession in the line of his duties as financial secretary. He has testified that that is part of his duties, to handle the checks, and take them and make deposits with them and to countersign checks.

THE CHAIR: Mr. Jones, Mr. Young is not on trial --

MR. JONES: No, he's not on trial.

THE CHAIR: -- and I don't think you --

MR. JONES: He's on cross examination.

THE CHAIR: Yes, but whether or not -- whether or not -- if you can't furnish the date of the checks as to when--

MR. JONES: Well, he has the dates.

THE CHAIR: What are the dates? I asked you. What are the dates?

MR. JONES: March 23rd, --

THE CHAIR: Mr. Jones, that is the time that Mr. Young admitted before Judge E. Gordon West that there wasn't any cooperation and since that time he's been handling the records, so anything prior to -- anything prior --

MR. JONES: Mr. Chairman, --

THE CHAIR: -- anything prior to June 23rd or the 16th I don't think we should question

Mr. Young about. Mr. Young admitted before Judge Gordon West what had been transpiring before that date. What we are trying to find out is what happened after that date since Mr. Bailey became president.

MR. JONES: Mr. Chairman, we did not put this in evidence; the charging party put this in evidence.

MR. HENRY: Mr. Chairman, could I ask a question, please?

THE CHAIR: Yes.

BY MR. HENRY:

Q. Mr. Young, on that list that you have there, whether it's 1 or 2, some of the checks if I could recall -- you did receive some of those checks and deposited in the other bank, is that correct?

A. No. These checks in here I think that Mr. Jones has reference to, when I was secretary-treasurer and was working under Mr. Bailey, Mr. Bailey called me at my office one day and told me not to deposit these check-off checks. He's sitting here and waiting. He told me not so the checks you see in here that were left in the safe was check-off checks, and that was his order as president to me as secretary not to deposit them and I left them in there and he had them, and I have never deposited these checks into a bank. Now, whether they went into another bank account I do not know.

BY MR. JONES:

Q. The question is did they ever come into

your possession?

A. These checks?

Q. Yes.

A. As secretary-treasurer?

Q. Yes.

A. No.

Q. Did any of these checks listed -- enumerat in "Charging Party Exhibit 1" ever come into your possession?

A. As secretary-treasurer to the best of my knowledge, no.

Q. You never deposited any of them?

A. To the best of my knowledge, no.

Q. You've never seen any of those checks?

A. That third list there that had some of those -- some of those checks listed on there as coming out of the safe and I think they were check-off checks.

BY MR. HENRY:

Q. Mr. Young, so we can get the record straight, you had some check-off checks and Mr. Bailey told you not to deposit them, is that correct?

A. Right. That's right.

Q. Where are those checks now?

A. These checks were in the safe: these

checks were locked in the safe. When I went to Florida and came back, Mr. Bailey had took over the safe, had had it opened, and that's the last time I looked in the inside of it.

Q. What checks that are enumerated, listed here, that are now in the safe?

A. I'd have to see the ones; I'd have to see the ones. I don't know what's in the safe now.

Q. Which ones listed here that you see are in the safe?

A. All these checks have numbers. Numbers get confusing if I look at them over a period of time. I don't know what's in the safe now. You are taking advantage of me. I don't know what's in the safe now. I haven't looked in the safe since when I -- when I was appointed administrator.

BY MR. JONES:

Q. Did you make a record of the checks that you deposited in the bank?

A. It's -- it's over there in the file.

Q. Where, in Port Allen?

A. Yes, it's in the secretary-treasurer-- it's in the file.

Q. You didn't bring it back with you?

A. What?

Q. The checks that you deposited; the list of checks that you deposited.

A. They must be in the safe. I don't have access to anything in there.

BY MR. COLE:

Q. Don't you have photostatic copies of the deposits that you've made?

A. The ones I've made since?

Q. Yes.

BY MR. JONES:

Q. Since when?

A. He's got them in there. The checks I've deposited, they have a copy of them; there they are right over there.

Q. Get those checks and show which ones on here that you deposited or did not deposit.

A. Well, there -- there they are.

Q. You get them. I'm not familiar with the records.

A. Well, --

Q. You are familiar with your records.

A. You have checks over there I haven't seen.

MR. HENRY: Mr. Jones, --

MR. JONES: Yes, sir.

MR. HENRY: The Chairman asked Mr. Young to bring certain records to him. Now, I don't know any legal terms, but if he brought any records that you want to

clarify I think you should ask the Chairman, and then The Chairman in turn could tell Mr. Young to go ahead on and verify what you are talking about.

MR. JONES: The checks received from Southeastern Terminals, Division of Baltimore Stevedoring Co., Inc., paid to Local 1830 from 4/16/69 through 7/25/69.

THE CHAIR: Mr. Jones, again you are going back prior to the date of Judge West's order. We are not interested in that. He doesn't have to answer these questions.

MR. GLADNEY: Well, Mr. Chairman, you say you are not interested prior to Judge West's order, but these charges are not restricted to Judge West's order, date prior to since. These charges are what we are interested in and what the trial committee should be interested in and you --

THE CHAIR: But I think -- I think that Mr. Young stated to you, and I don't think we are going to keep repeating it, that prior to that time there was no cooperation and he doesn't know what happened.

MR. JONES: Mr. Chairman, --

THE CHAIR: Wait just a minute. I'm not going to sit up here and let you intimidate the witness and try to force the answer from him: he doesn't know what is happening.

MR. GLADNEY: Nobody is intimidating your witness, Mr. Chairman.

MR. CHAIR: Well, you keep cross examining him, Mr. Jones keeps cross examining him and asking the same questions.

MR. JONES: Mr. Chairman, that is exactly what we are driving at. Now, the point of no cooperation on the part of Mr. Bailey and Mr. Young depends upon whether or not Mr. Young performed his duties and whether or not he refused to perform his duties.

THE CHAIR: It would depend upon if Young did not -- Mr. Young couldn't get the cooperation he couldn't perform his duties.

MR. JONES: Now, we -- now, this is exactly what we intend --

MR. CHITTENDEN: Mr. Chairman, wouldn't it be more expeditious if we'd come out there and let the records themselves speak for themselves? Here we are going down there, we wasted all morning, we've had one witness: we're ready to waste all evening with the same witness going over the same questions and each of those records would speak for themselves. If Mr. Young would have deposited those checks in the bank he certainly would have deposit slips for them and they would show that they were deposited in the bank.

MR. JONES: And that's all we want him to produce those deposit slips.

MR. CHITTENDEN: If he can't, then all right. But the case is this, we're saying we're going to hold it so he can bring them back and then the committee here will ascertain whether or not who deposited what on this thing. You keep asking the man there; he does not have the records. I'm sure if you asked the same question to Mr. Bailey what he did without having knowledge or having the records in his hands he wouldn't be able to tell you.

MR. JONES: We asked him that. He is supposed to have brought them back.

THE CHAIR: Again I think Mr. Young stated to you that the records are in the safe, he does not have access to the safe, he couldn't get them. Now, if you want the records brought back during that time, ask Mr. Bailey to go get them. Mr. Young said he doesn't have them.

MR. JONES: He said he has a photostatic copy of the --

THE CHAIR: No, we want the original record. Why don't you ask your client to bring the original record?

MR. JONES: -- a xerox copy of them.

THE CHAIR: We don't want no Xerox copy. Get your client to bring the regular record back he's got a combination to the safe.

MR. JONES: From that list - from that list of whatever he has, the record that he has, what he's got --

THE CHAIR: Mr. Jones, if you want the records -- if you want the legitimate records, ask Mr. Bailey to go over there and open the safe and bring them here.

BY MR. JONES:

Q. Do you know any of these checks that you put in the bank: do you have a list of them?

A. I have a list in this record of checks I've deposited since this -- Mr. Jones, the thing I've been telling you all

morning is that Southeastern Terminals, Cargo Carriers and Ramsay Scarlett is mail order checks, and I do not get the mail order checks: I only get checks I pick up. I told you that this morning. Now, here are the checks I've picked up, sir. These are deposit slips, these photostatic copies. These are Rogers Terminal, this is Baton Rouge Marine: these are checks -- none of these -- these are Rogers Terminal, Baton Rouge Marine.

Q. Now, just hold that there. Did you deposit the check from Southeastern Terminals according to your records there on March 23rd -- March 30, 1969, check number 2189, date of check, April 16, '69 that's for $19.24 does the record show that?

A. He has my deposit record.

MR. COLE: No, these are only photostats since June.

A. This is the only -- this is the only deposit slip that I have is what I did on August 6th. Now, sometime ago -- when Bailey first got in office I used to get those checks but sometime ago, I don't remember when, I ceased to get them. I used to go and find them in my drawer: they'd be stuck down-- they'd be in my file or either the office secretary would give them to me. That was when the -- after -- for the first month or so or maybe a month and a half after he got in office I say that, but after it ceased to be like that, and then I haven't seen no checks.

BY MR. JONES:

Q. Did you sign any checks prior to June 16, 1969?

A. Did I sign any checks?

Q. Yes.

A. Mr. Jones, all the checks that were made available to me I deposited them.

Q. I mean did you sign any to pay out -- expenditure checks?

A. Before when?

Q. Before June 16, 1969.

A. I've been signing them since I've been there; since I've been secretary-treasurer I've been signing them.

Q. How did you sign them; how did you manage to sign them?

A. You mean checks for -- payable at --

Q. Yes.

A. -- Bank of West Baton Rouge?

Q. Yes, uh huh.

A. I make them out.

Q. You made them out?

A. Yes.

Q. Mr. Bailey let you have access to the records and the checkbook to make them out and sign them?

A. Mr. Bailey let me have what?

Q. Let you have access to the checkbook to make the checks out and sign them?

A. The checkbook is not the sole operation of the secretary-treasurer.

Q. I mean you did do that?

A. What?

Q. Sign the checks?

A. Yes.

Q. Have you signed any checks since June 16th, 1969?

A. I signed the last payroll.

Q. Have you signed any checks since June 23rd, 1969?

A. I told you I signed the last payroll..

Q. Did you sign any checks between June 16th and June 23rd, 1969?

A. I wouldn't know because I don't sign checks every day. I don't sign checks every day. I usually sign a group at a time. I don't sign checks every day so I wouldn't know.

Q. Have you made any deposits in the West Baton Rouge Bank between the dates of June 16th and June 23rd, 1969?

A. What is so particular about them seven days? Sometime we don't make them for two weeks.

Q. Have you made any deposit in the bank since June 16th, 1969, to this date?

A. Since June 16th to this date?

Q. Yes.

A. I made one in August.

Q. Have you paid off anybody since June 16th, 1969, up until this date?

A. I made out the payroll: I told you that.

Q. During the period that this organization or the local was purportedly in trusteeship, you were their administrator, were you not?

A. I was agent for Mr. Dixon, yes.

Q. I see. Did you receive a salary for that period?

A. Yes, sir.

Q. What was your salary?

A. The same thing as --

Q. I beg your pardon?

A. The same thing the president was.

Q. What was that?

A. For that period he got $208.

Q. $208 for what, a month or two years?

THE CHAIR: Let's don't be funny. You know what it is.

MR. JONES: I don't know; I don't know. I don't know, Judge. Let the record show--

A. (The witness did not reply.)

BY THE CHAIR:

Q. Did you make $208 a week?

MR. JONES: -- Mr. Chairman, I don't know.

A. (The witness did not reply.)

BY MR. CHITTENDEN:

Q. Mr. Young, --

A. Yes, sir.

Q. -- state your answer. How much -- was it for --

MR. CHITTENDEN: Now, both -- look, both --

A. Let -- let -- let --

MR. CHITTENDEN: No, wait a minute. Look, I think both of you are getting hostile and he is intimidating him and I've gone alon far enough on this thing.

BY MR. CHITTENDEN:

Q. Now, we want you to answer the question honest and sincere and we are telling him now to stop intimidating you. Now, the case is this, the $208, what was it for, one week's work?

A. Mr. Jones came over there the day all thi happened. Mr. Jones knows very well that period lasted one week.

Q. Just answer my question.

A. It lasted one week.

Q. Was the $208 for that week?

A. $208 for one week.

Q. That answers that.

BY MR. JONES:

Q. Now, did that include your expense account?

A. I beg your pardon?

Q. The $208 a week, did it include your expense account?

A. No. No, it didn't.

Q. It did not?

A. No, it didn't.

Q. How much is your weekly expense account?

A. Under those circumstances expense account normally provides $35 and whatever the situation demands.

Q. And what would be the extenuating circumstances that would make the weekly expense account be more than the normal $35?

THE CHAIR: Mr. Jones, --

A. The --

THE CHAIR: Wait a minute. Mr. Young -- that's not relevant to this case, Mr. Jones. We are going to have to ask you to refrain

from it, and let's get down to the business of questioning Mr. Young based on the allegations here.

MR. JONES: All right.

THE CHAIR: You are not doing so --

MR. GLADNEY: Mr. Chairman, --

THE CHAIR: Let me get through with this gentleman here. And we are going to ask you to stick to the questioning and let's get through with it, but I'm going to tell you another thing, we are going to ask you to put on -- let's get to the witnesses that's pertinent to this case because we are not going to sit here all night. And if you are going to continue to question the witnesses on the basis that you questioned Mr. Young, well, we'll be here until Christmas, and let's stick to the point and let's get through with these witnesses.

MR. GLADNEY: Okay. Mr. Chairman, when we came here this morning you promised us a fair and impartial hearing.

THE CHAIR: You are going to get it but now you are not being fair.

MR. GLADNEY: We are being fair.

THE CHAIR: No, you are not.

MR. GLADNEY: Let me tell you something. Alton Bailey has been charged here with certain things that are -- erroneously by this witness, and Alton Bailey is not the guilty one. It's the witness on the stand here, Mark Young, --

THE CHAIR: You are wrong there, Mr. Gladney.

MR. COLE: He hasn't been charged by anybody with anything.

THE CHAIR: We called the witness to testify--

MR. GLADNEY: And we are entitled to show that this witness who is put on the stand against Alton Bailey is himself the one that's causing all of this trouble in this union, and if he is the one, then you should permit us -- if you are going to have a fair hearing here, permit us to show that Mark Young is the one member of this union who has been doing wrong and causing all the trouble.

MR. CHITTENDEN: Gentlemen, look, you are cross examining, and you are whispering and the secretaries can't get it. And lawyers, as far as this committee is concerned, as far as I'm concerned, if there's any charges by this local against Mr. Young, certainly the local can prefer charges, send them to either Mr. Massey or Mr. Gleason, and we'll be down or someone else will be down to hear these charges if so. But the way it is right now at this particular time Mr. Young is not on trial; we are trying to come out here and have a hearing to find out what the members have said against Mr. Bailey, if there's any grounds for foundation for these charges and, if so, then they'll be brought back to the International. But the way it is right now you are getting everybody on trial and this is a hearing. So up until right now everybody including the four attorneys is on trial and this is a hearing: this is not this particular type of trial that you

anticipate and you gentlemen here are constantly making mockery of it by coming out with the law portion of it and constantly throwing federal statutes at us. And we think this way, and if you've got a question we'll allow the the utmost leeway to go ahead and question him, but please refrain from intimidating the witness and asking questions that he answered no.

BY MR. CHITTENDEN:

Q. And, Mr. Young, if you don't know it, just say "I don't know," and let it go at that. And constantly don't try to answer all the questions: we don't need your opinions. If you know it, tell the truth. If you don't know it, say "I don't know," and let it go at that, and we don't need any added explanations.

MR. JONES: Mr. Chittenden, one of the charges in the specifications and charges is that Mr. Bailey did not let Mr. Young perform his duty as financial secretary. Now, it's my appreciation -- and I'm sure it's the appreciation of all of us here, and it's the constitutional duty to handle the bank account, to take the money to the bank, make the deposit and to write checks. Now, all we are trying to determine here is whether or not that money came into his possession, and if it did came into his possession, did he take it to the bank and make -- did he deposit it. Now, all he has to do is to say yes, and if he did not make the deposit as shown on charge one, exhibit one of the charging party and exhibit 2 of charging party, all he has to do is to say, "I did not make these deposits: this money did not come into my possession." Now, on the other hand if it

did come into his possession -- and he put these into evidence: we did not -- all he has to do is say that, "I did receive it and I did make these deposits." And then on the other hand I understand that one of the duties that's incident to being financial secretary is to sign checks, and we are asking him whether or not he signed any checks during that period. Now, from the time that Mr. Bailey became president, was installed into office as president up until this present date, because the specifications and charges are not leveled at Mr. Bailey just from June 23rd until now, but they are leveled at Mr. Bailey all the way back from the day of his installation-- in fact, before he was even installed -- up until now, and that's what we are really trying -- that's what we are really driving at. Now, we want to find out whether or not he has been able to perform his duties as financial secretary inasmuch as this is one of the specifications-- one of the allegations in the specifications and charges.

MR. CHITTENDEN: Mr. Jones, you are constantly asking a question. If he don't know, the records will establish itself as the best basis for facts. If he did it, the records will prove that he did it. If he didn't do it, then the records also--

MR. JONES: But the records are silent and we won't -- we would not know because we would not have -- you would have the record and the entire committee will have that record and you would take -- we -- that record is not accessible to us now. It would be accessible to you after you are gone, but we want to know--

MR. CHITTENDEN: But, Mr. Jones, you've got some charges here --

MR. JONES: -- we want to know --

MR. CHITTENDEN: Now, all right.

MR. JONES: -- we want to know --

MR. CHITTENDEN: That's true, but here's what you are doing. You all --

MR. JONES: --Mr. Chittenden, everything that is in the way of evidence.

MR. CHITTENDEN: Mr. Jones, just a minute. You all -- we just might as well stop the mockery here right now because after all, look, the International constitution, Mr. Dixon -- Mr. Hopkins read it to you. Now, this man is entitled to counsel, and certainly Mr. Bailey can pick any man in the I.L.A. to represent him and bring it in here. He don't have -- he does not have to have an official lawyer of any particular nature in here. This is what we're doing. Now, we allowed you all to come in here. You are making this -- instead of a hearing you are going into the whole trial, putting all of these things in hoping that when it goes to federal court, if it should, that all these things are going to have bases of facts in the federal court. Now, this is what is all wrong to begin with. How are we ever going to get at the truth of what's done or what is right in this case that's here? Now, this is not a federal case. We just might as well say okay, fine: the International throw the book and let the thing along and it will go right back to the federal court.

MR. JONES: Mr. Chittenden, do you not agree with me that Mr. Bailey is supposed to know what evidence is going in the record against him?

MR. CHITTENDEN: The case is this.

MR. JONES: We're here -- we --

MR. CHITTENDEN: You all are bringing these records out. We are trying to see whether these people have any just cause in this hearing, whether they are right or wrong against Mr. Bailey, then the charges will be accepted.

MR. JONES: We want to know what checks that Mr. Young did not receive as financial secretary.

MR. CHITTENDEN: You know as well as I do that those checks are immaterial and you are not-- you are just picking up on a point because you think you are going to confuse the witness on this particular --

MR. JONES: I'm not trying to do that really. Let me say I'm not trying to do that.

MR. CHITTENDEN: Now, look, if he says no and if he doesn't understand -- and we are saying we are giving you all the leeway, but if you constantly go back and constantly ask the same question, the same question, and he gives you the same answer --

MR. JONES: You saying that this charge -- exhibit one of the charging party, exhibit 2 of the charging party, and exhibit 3 of the charging party, and the checks that are going into evidence or the checkbooks

that are going into evidence which we have no knowledge of -- I don't know what's contained in those checkbooks -- are all immaterial?

MR. CHITTENDEN: No, I didn't say that. I didn't say that. I said the best evidence of that would be the records themselves, would establish the fact because -- I didn't say it was immaterial. I stated that the record itself would be the documented proof. All that you say here is-- you are going on hearsay, and that's what you are trying to find out, but we don't know any more about -- but we are saying that this -- that the records themselves, the receipts and deposit slips are the best evidence of what was done.

MR. JONES: Then do you agree with me that Mr. Bailey should know what documental proof is going in the record, what documented proof is going into the record, and you'll agree with me that Mr. Bailey is entitled to know that, sir?

MR. CHITTENDEN: We want everyone to be in knowledge of everything, but you keep asking the same questions and getting the same answers. Now, if it doesn't suffice, ask The Chairman and explain to The Chairman what you want, that it was not the answer that you expected, but if you constantly keep asking the man and he doesn't understand what you are doing, you are just wasting time. So if he doesn't answer the question, ask The Chairman, this is what you want and I think we can get in your point.

MR. JONES: Thank you, sir.

BY MR. JONES:

Q. Mr. Young, did you receive a check from Southeastern Terminals, Division of Baltimore Stevedoring Co., Inc., for the pay period March 23rd to the 30th, 1969, check number 2189, dated April 16th, 1969, in the amount of $19.24?

THE CHAIR: Mr. Jones, without the proper records in front of Mr. Young he wouldn't know -- I imagine he received a lot of checks, and you are going to specify a particular check. He wouldn't know what particular check he received and I think it's unfair to the witness.

MR. JONES: Your Honor, he's contending that they are missing and that he --

THE CHAIR: Understand this, he wouldn't know exactly what checks you are talking about. You are reading off of a form there and asking him to answer a question.

MR. JONES: He introduced this into evidence.

THE CHAIR: He did not -- he didn't introduce it; Mr. Cole introduced it.

MR. JONES: The charging party introduced this into evidence --

MR. GLADNEY: Through the witness.

MR. JONES: -- through the witness; he introduced this into evidence. Now, he ought to be in a position to stand behind this record to show what happened to these checks as to whether or not he received them or did not receive them: that's all that we are asking. The witness has --

THE CHAIR: I'm sure Mr. Young has stated to you that all the checks that he had in his possession he deposited them, and the deposit slips are at the local union all locked up in the safe and he does not have access to the safe.

MR. JONES: But he introduced these as --

THE CHAIR: I know, but he can't prove without the -- without the copies of the deposit slip, and he doesn't have possession of of those deposit slips. If the union had been run right and he had possession of the deposit slips, he could tell you, but he doesn't have them.

MR. JONES: He could tell whether or not he deposited it.

THE CHAIR: He couldn't tell you unless he had them. He know he deposited money but being specific about one particular check, you can't expect --

MR. JONES: I'm not talking about one. I'm talking about --

THE CHAIR: But you keep asking a specific date.

MR. JONES: -- all of these on these three slips, on these three slips; I just haven't gotten to but one.

MR. BAILEY: May I make a statement here, Mr. Chairman?

THE CHAIR: No, no. When we put you on the stand you can make a statement.

MR. BAILEY: According to the letter I received

I'm entitled to any statements and cross examine the witnesses according to the letter I received from Mr. Gleason. I can't make a statement?

THE CHAIR: Not now.

MR. BAILEY: Not now.

THE CHAIR: When we put you under oath you can ask anything you want. You've got counsel here representing you.

MR. JONES: That's all we are asking, Mr. Chairman, that he identify on this list, checks enumerated on this list which he received and deposited and which he did not receive and did not deposit.

THE CHAIR: Why don't you rephrase your question, Mr. Jones. Ask Mr. Young the checks that he received himself did he deposit them. Don't be specific about checks because he don't know the numbers. Any checks that he received you can ask him did he -- what did he do with them, did he deposit those checks.

MR. MASSEY: Mr. Chairman, just one observation. We were ordered by the judge over here in this court to come by here and have a layman's trial through I.L.A. and do something. We had lawyers over here in his court over there that heard one side and then he made up his mind what he wanted to do and he did it; he sent it back here for somebody to try. Now, whatever the evidence is and you requested that the books be brought, whoever has got those books showing the receipts and disbursements ought to turn them in, and we'll look at them and anybody else who wants to

look at them may look at them.

THE CHAIR: Right.

MR. MASSEY: But this question about did you deposit this -- this thing is just worse than a kangaroo court. I've never seen anything like it in my life. And everybody is trying to introduce a lot of things there that you would cite right in a trial in a court of law. I don't think -- it's my opinion that they ought to excuse all lawyers that's here today and go ahead with the thing and do the best that you can under a layman's deal and let it go. Now, those books, I demand those books be left with you. And whatever he's got, if he's got any books there, then we'll send him over there and let him leave it, too.

THE CHAIR: Thank you.

MR. MASSEY: All this other -- it belongs to the International Longshoremen's Association.

A. (The witness did not reply.)

BY MR. JONES:

Q. Now, all the checks, Mr. Young, that came into your possession since Mr. Bailey has been installed into office as president of the local until this date, have you deposited them in a bank?

A. Mr. Jones, all checks that came into my possession as secretary or treasurer that were presented, I deposited them. I told you some time back, Mr. Bailey told me--

Q. Go ahead.

A. I told you Mr. Bailey told me, "Do not deposit the check-off checks," and I didn't deposit them.

Q. Is that customary to not deposit all check-off checks?

A. But anyway, for those checks you asked me about the number of them. I'm supposed to deposit all of those checks. I can't go in there and tell you which one, 99A or 86B that I deposited or 76C. I am supposed to deposit all of those checks.

Q. But you did deposit them?

A. I say I'm supposed to deposit all of them. There's a lot of them I haven't seen. I can't tell you which particular ones. I would have to run down the list and see them and better than that I'd have to even have to go to some of these people and request to see the checks that have passed through the bank and come back to see who signed them on the back. Then I'd know.

Q. Did you sign any checks for disbursements or expenditures-- from expenditures of the union?

A. From which bank?

Q. From West Baton Rouge?

A. And what dates?

Q. Since Mr. Bailey has been president.

A. Yes, the Bank of West Baton Rouge, I've signed some.

Q. Now, during the week that you were adminis-

trator of the union you wrote your check-- yourself an expense account check?

A. I beg your pardon?

Q. Did you write yourself a check--

THE CHAIR: Mr. Jones.

MR. JONES: Yes, sir.

THE CHAIR: You are getting out of order in line of questioning of Mr. Young. You asked Mr. Young if he deposited the checks; you asked him if he signed the checks; now you are going right back over the same thing.

MR. JONES: But he never answered it, Your Honor.

THE CHAIR: He told you that he signed the checks that he was authorized to sign and the checks that he was told not to put in the bank, he didn't put them in there.

MR. JONES: But he's never answered about his expenditure check during the time he was administrator of the union.

THE CHAIR: I think the record speaks for itself.

MR. CHITTENDEN: He was under Mr. Dixon's orders so what he did in that time --

THE CHAIR: He done what he was ordered to do.

MR. CHITTENDEN: -- that doesn't -- that's not a problem that Mr. Bailey has to be confronted with. That shouldn't be injected

into this hearing here on that. That's Mr. Gleason's problem and Mr. Bailey's here, not nobody else's problem. Any particular --

MR. JONES: He testified that his weekly expense check was thirty-five dollars a week.

MR. CHITTENDEN: You asked him that question.

THE CHAIR: You asked him that.

MR. JONES: I asked him that, and he answered--

MR. CHITTENDEN: And he told you the same as Mr. Bailey, $208 and $35 a week for expenses.

MR. JONES: That is true. And then I asked him what was his expense account here.

MR. CHITTENDEN: And he told you $35.

MR. JONES: $35.

MR. GLADNEY: We're trying to identify the checks to put them in evidence.

MR. JONES: And we are trying to identify the checks now and we want to find out --

MR. CHITTENDEN: Well, just identify them.

THE CHAIR: Mr. Jones --

MR. HENRY: Mr. Chairman, might I just add this? Mr. Jones, we've started this hearing 11:00 o'clock, and here it is now, just about 15 minutes to 4:00. We have other witnesses to hear. I think as far as the records is concerned the chairman has asked Mr. Young to bring some records over there

that he had in his possession. We have also asked Mr. Bailey to bring some records that he had in his possession. And I think there is no better evidence than the records. We have the records and the records will show what was deposited in the bank. The records will show -- if we get all of the records -- what Mr. Young deposited because he says he signs the back of the check. And I think when the time comes that this committee will be able to find out exactly and to know exactly what he deposited, what he -- as far as signing checks to pay off bills -- when we get these records the committee itself will be able to determine just what part Mr. Young played and Mr. Bailey played, once we get these records.

MR. JONES: Thank you, Mr. Henry, but Mr. Young went on further to say that extenuating circumstances might run his expense account up more than $35 a week, which is standard -- which is s.o.p., standard operation procedure, this $35 a week. I asked the question what would be those extenuating circumstances. He has not stated to me what those extenuating circumstances were.

MR. HENRY: He doesn't have to --

MR. JONES: And I'm still asking him that question.

THE CHAIR: What difference does that make to you?

BY MR. JONES:

Q. I show you two checks for the week that you were administrator.

A. That's right.

Q. How much are they?

A. One dated June 2, countersigned by Louis Harden and one dated June 5, and they are both for $35.

Q. In the same week?

A. Yes. Now, listen. When I was appointed financial secretary, I will tell you what this $35 bought. It bought two trips to New Orleans, one to Burnside, one to Geismar. I had to go over to the Division of Welfare Pension Office. I had to go and establish contact to notify all of these people, though. That's what your $35 was for.

Q. That's $70 in one week, is that right?

A. That's your first $35. That's what it's for.

MR. JONES: I offer and introduce this in evidence and ask that it be marked "Respondent-5 and 6" respectively.

A. Now, the second $35--

THE CHAIR: Wait a minute --

MR. CHITTENDEN: Mr. Chairman, just a minute on this thing.

BY MR. JONES:

Q. When did you make those trips? Give us the date you made those trips.

MR. CHITTENDEN: Mr. Chairman, on this thing--

THE CHAIR: Mr. Jones--

MR. CHITTENDEN: First, number 1, Mr. Jones, we keep trying to refer and establish the fact that Mr. Young is not on trial. If you people have anything against Mr. Young, we ask you to bring this thing in.

MR. JONES: We never said this witness is on trial.

MR. CHITTENDEN: Yes, but you try to put a witness on trial, you're not going to do it here.

THE CHAIR: You're not going to do it here, Mr. Jones.

MR. CHITTENDEN: Mr. Jones, you know as a lawyer never in anybody's court, anybody's court in the history of my life have I ever known that you come out there and you are trying to put something in to put him on trial when your client is on trial were you successful. Now, he told you on this thing-- he brought it out and told you on this thing what it was.

MR. JONES: How clean is Mr. Young's hands? That's what those checks are after.

MR. CHITTENDEN: Mr. Jones, whether his hands are clean or not, that is not the question. He is not on trial. If you've got anything on Mr. Young, you bring it to the international and it comes before me I'll certainly try Mr. Young just like we do anyone else, and that goes for any of them. Now, whether his hands are clean or not, he is not on trial. We-- he's a witness: you conduct him as a witness but not as you're trying to put him on trial. This is a clever way of being an attorney.

If I would be an attorney I would do you the same thing as you are trying to do, take it off my client and land it on the other guy, but in this particular case please conduct yourself as a gentleman and a lawyer and let him be the witness, and if it's wrong you sign a charge against him and send it to international; we'll process and try him.

A. (The witness did not reply.)

BY MR. JONES:

Q. How much is Mr. Louis Harden's check?

THE CHAIR: Mr. Jones, Mr. Louis Harden is elected by that local; his salary is set by that local; and I don't think it's a question to come up and hear just how much Mr. Louis Harden's salary is. We're not trying Mr. Harden nor Mr. Mark Young, and what his salary is is none of this committee's business.

MR. JONES: We want to know how much it was and how much they expended that week that they were in the administration-- they had charge of that administration of that local. That's what we are concerned about. They are charging-- they are charging Mr. Bailey with wrongdoing, with malfeasance-- that's what they are charging him with.

THE CHAIR: You haven't seen- nothing in this charge says Mr. Bailey is charged with malfeasance.

MR. JONES: We want to show-- wrongdoing--

THE CHAIR: Show it to me.

MR. JONES: The whole charge is spelled out-- the whole tenor of the charge is spelled--

THE CHAIR: Mr. Jones--

MR. JONES: -- out, malfeasance--

MR. CHITTENDEN: Mr. Jones--

THE CHAIR: Mr. Jones, you just can't--

MR. CHITTENDEN: I'm addressing myself to the Chair--

THE REPORTER: I can't get all of you at once.

MR. CHITTENDEN: All right. That's right. I'm addressing myself to the Chair, Mr. Henry. First, number 1, everybody is talking. You cannot have these court secretaries on this thing-- but Mr. Jones, you know and we've asked you time and time again. You've ignored the suggestion of the Chair. We are going to cut your statements off or we are going to allow counsel here to go ahead and have objectionable points and cut you off and if he rules that way he can set you down. We are not asking that. You know that you can have forty murderers sitting in the chair and whether he is proven guilty as a murderer does not exclude a client of a lawyer if he's guilty of anything. His guilt does not exonerate him if they are guilty. So please conduct yourself with this thing. We have not got anything here except a hearing. We are trying to get to the truth and the facts and you people are trying to distort what is the facts and what is the truth and you're trying to put Mr. Young on this thing instead of

getting at the statements that are pertaining to these particular hearing allegations. Let's get to that.

MR. JONES: What credence should be given to this man's testimony and to what he says should depend upon his integrity and if we--

THE CHAIR: Oh--

MR. JONES: --if his integrity is not--

THE CHAIR: --Mr. Jones, I'm going to have to rule --

MR. HENRY: Let me say something, please, sir.

THE CHAIR: Go ahead.

MR. HENRY: Mr. Jones, I would say as far as this committee is concerned that if you or anyone else have any evidence that Mr. Young has did wrong, if you want us to hear it you will have to file it according to our international constitution, our district constitution or local. Make your complaint to us in writing or any member of 1830, and certainly the international president or district president will have somebody to look into any complaint that anybody files against Mr. Young. We have no complaint whatsoever against Mr. Young at this present time, and this is completely out of order. I think we've been here long enough and if the Chairman will agree and I think we are all in agreement that if you have something to ask him directly in opposition to what he said as far as the checks that he knows about, the bank account he knows about or don't know

about, I think you will be in order. But I think if you have a complaint-- you are not a member of the local, but get somebody who you represent who is a member of the local, file that complaint against Mr. Young, and we will certainly look into it.

MR. JONES: We'd like to ask Mr. Young one question.

A. (The witness did not reply.)

BY MR. JONES:

Q. What is Mr. Louis Harden's expense-- weekly expense account?

A. Mr. Louis Harden?

Q. Yes.

THE CHAIR: Mr. Jones--

MR. JONES: We would just like to have that answer. I will go away from that.

A. Mr. Louis Harden's expense account is $20. Mr. Dixon told me for to make him out a check for $25 because he had some rounds to make -- he said instead of paying the janitor $35 a month, he said, "What kind of people are you?" He said, "Give him $50 a month."

MR. JONES: I introduce and file into evidence Check No. 10340 of the local dated June 5, 1969, for the period that Mr. Young was the administrator of the local, showing that the expense check for Mr. Louis Harden was $25, and ask that it be marked "Respondents-7" for identification purposes.

THE CHAIR: Mr. Jones, are you through with Mr. Young?

MR. JONES: No, sir. Just one minute.

THE CHAIR: Wait. I want to ask Mr. Young a question.

BY THE CHAIR:

Q. Mr. Young, since June 23rd you have been signing checks along with Mr. Bailey. What time did the local approve counsel for the local: was it before June 26 or after June 18?

A. What time did they approve counsel?

Q. Yes, attorneys to represent the local.

A. Was it before when?

Q. Mr. Dixon was there or after; who was the counsel for the local when Mr. Dixon came in, the attorney?

A. Mr. Cole.

Q. What time was that?

A. I think Mr. Dixon came there sometime around the latter part of May.

Q. What time did the local employ Mr. Gladney and Mr. Jones to represent them?

A. Mr. Cole was the attorney.

Q. That's not waht I asked you.

A. Mr. Gladney?

Q. What time did the local employ Mr. Gladney to represent the local?

A. I don't know of any--

THE CHAIR: Have a seat; I'm questioning the witness.

A. I don't know when-- I don't remember no vote of membership where the local employed Mr. Gladney or Mr. Jones.

BY THE CHAIR:

Q. Well, prior to the time Mr. Dixon came in, was Mr. Gladney representing the local?

A. No.

Q. He wasn't representing the local?

A. No.

Q. Had Mr. Gladney represented the local any other time other than the time he went into Judge E. Gordon West's court?

A. I think he had secured an injunction for one-- some members of the local at one time.

Q. I'm not talking about the members of the local: I'm talking about the local.

A. No, he had never represented the local.

Q. According to your records, on August 7 you and Mr. Bailey wrote out check number 10531 in the amount of $3,739.80 for Mr. Joseph Atkinson Gladney; what was that for and how long--

A. That was for-- I'm restrained by the judge: I had to write it.

Q. I didn't say you had to write it, but what was it for?

A. That was for that hearing down there to the best of my knowledge.

Q. That one-day hearing?

A. To the best of my knowledge.

Q. That's all I wanted to know.

BY MR. JONES:

Q. Mr. Young, on July 3, 1969, did you receive cash money from the office in the amount of $200?

A. On what date?

Q. July 3, did you receipt for that?

THE CHAIR: Mr. Jones-- Mr. Jones and Mr. Gladney--

MR. JONES: Yes, sir.

THE CHAIR: --inasmuch as-- we've got to save time. We don't want to be repetitious in this thing. You asked the same question--

MR. JONES: No, I--

THE CHAIR: Wait just a minute. Wait just a minute. Let me say what I want to say. Mr. Gladney, the international has one attorney here and the other side has one, and we are going to limit our conversation to one attorney from each side, because

you are only being repetitious in this thing. Mr. Gladney asks a question and you get up behind him and try to confuse the witness. Now, one or the other. So we are going to limit our conversation to a representative or one attorney from each side. Now, you all pick the one you want.

MR. JONES: Okay, sir. That will commence after this witness?

THE CHAIR: Yes.

MR. JONES: Thank you, sir.

MR. CHITTENDEN: Not after this witness, after this series of questions.

THE CHAIR: After this series of questions.

MR. CHITTENDEN: Not after this witness.

BY MR. JONES:

Q. Did you receive that amount of money?

A. Sir? Yes, that's my signature.

Q. And how much did you receive there, sir?

A. It says dues, $200, and application--whatever it is, $375 or $351.

Q. Now, the $200 you received on July 3 for quarterly dues, $200, is that right?

A. Yes.

Q. $200, is that right?

A. Yes, sir.

Q. Now, for applications you received $375 on July 3?

A. It was $355, but I usually sign when the girl -- we always get it all lined up.

Q. How much did you sign you received then?

A. That's integrity. I always sign on her -- you see, she count it when you give it to her, but in this particular case when I got to the bank we counted it over, it was $375 and I made -- I told her about it. I made a note of it.

Q. In other words, you received $575; that's what you receipted for at the office: isn't that right?

A. $555.

Q. But didn't you receipt for $575 at the office?

A. $555.

Q. What do these two receipts come to?

A. You see what that is.

Q. How much does that come to?

A. $575.

Q. That's how much you receipted for; your signature is there; isn't that your signature there?

A. That's what I receipted for.

Q. All right. On receipt no. 69021 --

A. Yes, that's it.

Q. -- which was quarterly dues was for $200, is that right?

A. Yes, that's right.

Q. And on receipt no. 69022 --

A. Yes.

Q. -- which was application fee, was $375, right?

A. That's right.

Q. And that totals $575, right?

A. It was a miscount.

Q. That's how much you receipted for at the office, isn't that right?

A. That was a miscount.

BY MR. HENRY:

Q. How much did you deposit in the bank as far as your records --

A. $555.

Q. $555.

A. And when I came it was -- when I came back to count it off I told her about it, but -- I told her about the notation and it's made at the bank.

BY MR. JONES:

Q. The money ran short between the office and

the bank?

A. Mr. Jones, I've been taking care of that money for years, and in your attempt to smear mud on me I -- I brought that treasury from $84.16 up to $30,000 and, Mr. Jones, if you go over the river and question my integrity, they've got people who will send you back because I -- I worked in that local and they paid me $60 a week and I run my car to New Orleans three trips: I go to New Orleans for $10.

BY MR. HENRY:

Q. Mr. Young, --

MR. HENRY: I want to ask The Chairman now, are these the records that you requested the president to bring here for this committee?

THE CHAIR: Right.

MR. HENRY: And before the committee has seen the records you mean the attorney is going through the records and questioning the man about the records that this committee hasn't seen --

THE CHAIR: That's right.

MR. HENRY: -- to try and put two and two together?

THE CHAIR: Right.

MR. HENRY: Gentlemen, we are just out of line.

THE CHAIR: We asked him to produce the records, give them to us and we --

MR. HENRY: You asked him to bring the records to you and he's been back here -- we said 2 o'clock and it's 4 o'clock and we don't have the records yet.

THE CHAIR: I know we don't.

MR. HENRY: Well, we want the records the records are for our use as this committee.

THE CHAIR: Mr. Bailey, will you get the--

MR. HENRY: If he has these attorneys here all the while they had a long time to go get the records.

MR. GLADNEY: May it please The Chairman, our client, Alton Bailey, brought the records in as you requested. When we put him on the stand we are going to have him explain the records and hand them to you one at a time.

THE CHAIR: No, no we want the records now. The records are part and parcel of the International Longshoremen's Association; it's our records and we've got to have them now, and any records that Mr. Bailey needs to explain, we'll be glad to hand them to him, not him hand to us. How about the books? We want the books -- checkbooks and all.

MR. BAILEY: That's the checkbooks.

MR. JONES: Now, --

THE CHAIR: Wait just a minute. What about the daily cash books?

MR. BAILEY: I don't have that; you have to see the financial secretary for that.

THE CHAIR: What about the recording secretary's minutes?

MR. BAILEY: This is what you asked me to bring back.

THE CHAIR: I said the records.

MR. BAILEY: Well, I have brought --

MR. COLE: The recording secretary --

MR. BAILEY: The recording secretary has the minutes. I'll tell you; he has them.

MR. COLE: -- is outside and he has the minutes.

THE CHAIR: That's all right. All you have to say is the man doesn't have them.

MR. JONES: Now, --

THE CHAIR: Mr. Jones, when you were questioning Mr. Young we told you when you got through with that series of questions we wouldn't ask any more questions --.

MR. JONES: Yes.

THE CHAIR: -- and we'd limit it to ---

MR. JONES: There are some more questions that have to be asked and you want to revert back to Mr. -- revert to --

THE CHAIR: I didn't --

MR. JONES: -- Mr. Gladney so that he may ask those questions?

THE CHAIR: I didn't say Mr. Gladney. I said you and him choose between yourselves; we are going to let one attorney represent-- which one it is, --

MR. JONES: Well, you see, what happened, we had started already. Now, I had started

to question and we haven't finished our cross examination. Now, you can turn it-- I can turn it back to Mr. Gladney and let him complete it or I may go on and complete it: either one of us may complete it. Now, we'll gladly abide by your rules but one of us will do the interrogation.

MR. HENRY: Mr. Jones, I'm no lawyer and I know just a little bit about procedures, but I would say this, that there were certain questions that were asked Mr. Young by Mr. Cole, and I thought if you wanted to ask any questions in opposition to his statement or you could prove that he wasn't exactly telling the truth, something that this committee should know, I think then you should stick to that, but you are asking questions here that I, as a member of this committee, haven't heard. When you asked a question about expense, there is nothing that was asked by Mr. Cole to Mr. Young about expenses, but yet you have a part of the records that belongs to the local, and you are going through there trying to ask him other questions that would not in my opinion consider cross examine. I understand you are trying to impeach the credibility of Mr. Young. I think that's a legal word and I shouldn't use it, but it has no bearing here as far as the case is concerned whether or not he's got $20 or $25 for expense. We had no knowledge of this whatsoever; this committee didn't, and when the records are produced, as I understand he has produced some records and Mr. Bailey has produced some records, the committee will take that under consideration. But now we've been here and it's 4 o'clock, and we have about 25 or 30 or 40 people outside. I don't know how many witnesses you intend to call;

Mr. Cole did say he had at least five or six. We'll never get this hearing; we'll never get the facts, and we are here to get the facts based upon the charge that was presented by a group of members of 1830, and I hope that we can condense this and stick as much to the facts as possible.

MR. JONES: Mr. Henry, all we are trying to do now is deal with the bank account, checks; that's where we are right now dealing with that, and the bank account deals with checking account, the books and whatnot. Now, we have presented the records; we've presented the checks. Now, the question now is whether or not you want me to continue this cross examination or turn it back to Mr. Gladney to continue it inasmuch as both of us have been cross examining this witness already. Now, I can turn it back to Mr. Gladney and let him proceed, I'll be glad to do that, or I may continue on, and I'm sure Mr. Gladney will be glad to do that.

MR. HENRY: We would prefer one of you to question the witness as The Chairman said; we would like for you all to consult with each other rather than you asking the very same questions that Mr. Gladney has asked.

MR. JONES: I'm not asking -- I'm not asking-- I haven't asked one of the same questions Mr. Gladney has asked except to the fact that, "When did you become financial secretary of the union?" That was 1963, he said. And that was the only question that was repetitious. And now I want to go -- I want to proceed forward or know whether Mr. Gladney should proceed forward inasmuch as both of us have been questioning this witness: and from now on we will

abide by the court's ruling and only one of us will question the next witness and the following witnesses that come forward. Now, right now the ruling that we are asking for is, should I proceed or shall I turn it back to Mr. Gladney to proceed? I will be happy to proceed on.

THE CHAIR: I'll tell you what: we are not going to let but one of you all continue. Now, whichever one of you all want to do that --

MR. JONES: Both of us are not going to try to ask him questions at the same time.

THE CHAIR: We are asking one of you all to continue the questioning. It don't make me no difference which one of you all continues, only one of you.

MR. GLADNEY: Okay, Mr. Chairman, I'll pick it up at this stage.

BY MR. GLADNEY:

Q. Mr. Young, since January did you take part in negotiating a new contract between the union and the employers?

A. With the outgoing administration, yes.

Q. With the outgoing administration?

A. Yes.

Q. Did you and any members of the outgoing administration intimidate or threat -- make any threats or other coercion exerted upon the membership in regard to the contract, negotiating of the contract?

A. I beg your pardon? How was that?

Q. Did you or any of the officers intimidate or make threats or other coercion upon the membership of the Local 1830 in regard to the contract that was being negotiated?

A. I don't know what the other officers did.

Q. What did you do?

A. I did not intimidate or coerce.

Q. Now, after you were installed February 27th of 1969, did you intimidate, make threats or other coercion upon the membership in regard to the rejection or acceptance of the contract by the local membership?

A. Did I -- did I do that?

Q. Yes, did you?

A. No, I didn't intimidate anybody; I didn't threaten anybody.

Q. Did you see any of the officers intimidate, make threats or do anything to coerce the membership in regard to --

A. I don't know what the other officers did.

Q. When was this contract negotiated that was -- the last contract that was signed, when was the period of negotiation for it, while you and Mr. Netter were in office?

A. It started in that time; the contract expired the latter part of September in '68.

Q. And when did you start negotiating?

A. Normally it starts around that time. It more or less starts on a local level and then it goes on up through the upper channels.

Q. Okay. Now, was there a referendum presented to the membership on February 22nd, 1969, in Port Allen in regard to the acceptance or rejection of a contract that was offered?

A. On February the what?

Q. 22nd.

A. I'm not sure about dates, but they had one in February.

Q. They had a referendum?

A. Yes, sir, a ratification of the contract.

Q. And at the time they had the referendum was Alton Bailey the installed new president of the local?

A. He was the president elect.

Q. And up to that time the negotiations were being handled by the actual president, Harvey Netter, and the officers that were in office prior to February 27th of '69, were they not?

A. The negotiation part as far as meetings was.

Q. On or after the date of the installation of the officers, February 27th, 1969, when you were reinstalled as financial secretary, did you receive a letter or telegram from Mr. Thomas Gleason requesting that

you and the other officers ask the prior officers to turn the books and records over to the newly installed officers of the local union 1830?

A. Did I receive a telegram from Mr. Gleason?

Q. Yes. You --

A. No.

Q. Did you receive a telegram from Mr. Gleason requesting that you have an orderly transition from the prior administration to the new administration?

A. From Mr. Gleason, no.

Q. Who did you receive a telegram from?

A. A telegram came from Mr. Massey.

Q. And what did he tell you?

A. To -- to that effect.

Q. And were the books and records ever turned over to the new administration?

A. Were the what?

Q. The books and records ever turned over to the new administration.

A. Some was incumbent such as myself, --

Q. Yes.

A. -- but as far as I know all the books and records were there.

Q. Were turned over to whom?

A. All the books and records was there. The recording secretary got his own books. The -- I'm the financial secretary-treasurer. I got mine. We had a new vice-president: the outgoing one had nothing to leave him. The petty committeemen -- junior committeemen, they don't have any books. The only people that came in that got books there was the president and the -- I mean secretary-treasurer and the recording secretary and they were incumbent. That's my own books.

Q. Did the outgoing president have any books to turn over to the new president?

A. The charter and the mortgage, all of that was there.

Q. Okay. Now, Mr. Young, prior to the referendum in regard to the new contract that the membership was asked to accept or reject, did you as a member of the union advise the membership to reject this contract that was being offered the membership by referendum?

A. Did I advise the membership?

Q. Yes.

A. No. I stood up and spoke for myself.

Q. Okay. And in speaking for yourself who did you speak to?

A. I spoke to the presiding chairman and the--

Q. The members present?

A. No, and the one that was reading because we were itemizing the contract. We were

having -- we were discussing it, and we was speaking about good and bad points and what should be held in abeyance.

Q. And when you spoke about the contract, did you advise against voting to accept the --

A. I spoke for myself.

Q. Yes, but did you in speaking for yourself advise against --

A. I said there were certain items in there I would like held in abeyance for study; there were some things we had to study. But, anyway, all commotion broke loose and we liked to had a fight in there; and there was a lot of commotion, and I think the chairman that was presiding said at that time, he said, "I've done the best I could and some people don't seem to think I have." And he said, "under the --" -- he said, "Under the circumstances," he said, "I'll step down and I'll turn the negotiations over to the president elect."

Q. Was that when they were having the referendum in regard to the contract?

A. That was the night of the referendum.

Q. And did the president step down and turn it over to the president elect or did he stay in the chair?

A. He said he turned over the negotiations to Mr. Bailey, and that he would -- he said he turned it over to him, and to my knowledge that was the last contract negotiations that our committee went to.

Q. At that time when they had the referendum, had Bailey been installed as president

yet?

A. I said he was the president elect.

Q. Yes. And he was installed about a week later, was he not?

A. I don't know when: he was installed later.

Q. Now, at the time they had a vote on the contract, did they not, the membership voted on it?

A. Yes, sir.

Q. Did you vote to reject the contract or vote to accept it?

A. It -- it was -- one local voted against the other.

Q. Well, how did you vote?

THE CHAIR: I don't think that -- wait a minute. That's personal; I don't think that man has to tell you how he voted. That's divulging a secret -- secret to the man alone.

MR. GLADNEY: I didn't know it was a secret.

MR. COLE: It wasn't a secret.

MR. CHITTENDEN: Even if it was not, he doesn't have to divulge how he voted the ticket. Nobody has to divulge how they vote in I.L.A.

A. (The witness did not reply.)

BY MR. GLADNEY:

Q. You served on the committee negotiating about the contract, did you not, Mr. Young?

A. On the first -- on the -- on the outgoing administration.

Q. Yes, prior to the referendum.

A. Yes, sir.

Q. And while serving on this negotiating committee, didn't you reject the contract?

A. I beg your pardon?

Q. Didn't you reject the contract up to the point of the referendum?

A. Yes, I -- but I told you to begin with, it's for the -- it's for the organization to ratify: they don't have to go along with my personal thinking.

Q. Right.

A. If I thought it was bad, they didn't have to go along with that.

Q. Right. And then when they voted how did the organization vote; didn't they vote to reject it?

A. Well, first they liked to had a fight out there; they liked to had a fight there.

Q. But when it came to a vote, though, how was the vote: didn't the organization vote to reject it?

A. Yes.

Q. And that was a fair election in regard to that contract, was it not?

A. I'm not setting myself up in judging.

BY MR. HENRY:

Q. Mr. Young, do you recall the vote; is this the vote where these two locals, 1830 and 1833, voted together?

MR. COLE: Yes.

A. Well, the first one --

BY MR. HENRY:

Q. The one where we were talking about where they rejected?

A. In the first one, yes, sir.

Q. Okay. What was the vote; do you recall the vote?

A. No, I don't, but I think it was somewhere around -- it come to twenty or twenty something difference in favor; at least twenty or more was --

Q. It was a joint meeting held between 1830 and 1833?

A. Yes, sir.

Q. And at that meeting approximately 20 people more voted to reject the contract than to accept it?

A. That's right.

Q. We are trying to clarify this so that -- I

don't know what Mr. -- what the attorney is trying to get at, but regardless of who voted and how they voted, approximately 20 people voted to reject the contract in a joint meeting, I think you mentioned, on the 22nd when the vote was taken; is that the meeting you are referring to?

MR. GLADNEY: I think he said the difference of -- the majority was 20, the voting majority, I believe is what he's saying.

MR. HENRY: Twenty voted to reject the contract at that meeting.

MR. GLADNEY: The majority was 20 over the other vote.

MR. HENRY: Well, the majority voted to reject it.

MR. GLADNEY: Right.

MR. HENRY: Now, you wanted to know if he was in the majority to vote to reject it?

MR. GLADNEY: Yes. He has already answered that question. We don't have to go any further on that, Mr. Henry. Thank you.

THE CHAIR: Are you through with the witness? Mr. Gladney, let's make it short. We are going to be here until Christmas. We are trying to be as fair with you as we possibly can, --

MR. GLADNEY: Thank you.

THE CHAIR: -- but you are causing an undue hardship on this committee.

MR. GLADNEY: We have asked -- we have no

further questions at this time.

MR. HENRY: Mr. Chairman, I would like to put in the records for all attorneys concerned here that I've been a member of this International Executive Council for quite a few years, and that whenever we have these hearings in my opinion we've never had any attorneys.

THE CHAIR: This will be the last time, you can believe that.

MR. HENRY: And we are very concerned about a small local like this that have three attorneys supposed to be representing the union, and I know all of these three attorneys expect to be paid. It has just been pointed out that one attorney received some $3,700. We are here not to protect Mr. Young, Mr. Bailey or anyone else. We are here because we had charges filed and complaints filed and we are trying to get the facts, and this is the first time that we had attorneys and I want to let you know that the International record will show that very few locals have been taken under receivership, that we've been able to conduct our own affairs with the committee of the International or the district, that we tried to work out something to bring peace and harmony and unity within our organization because they belong to the I.L.A. We've been here since 11 o'clock: we've only been able to talk to one witness we haven't been able to talk to anyone else to get the facts. I think, Mr. Chairman, we have heard enough from this witness and I think that he should be excused.

THE CHAIR: Mr. Young, you may be excused.

WITNESS ~~EXCUSED AT~~ 4:29 P.M.

THE CHAIR: Again I want to say that this morning we asked Mr. Gladney and Mr. Jones to give us the name of their principal witness: they didn't do so. And, as Mr. Henry said, this is the first time in history that I've known attorneys to sit in on a hearing of the committee for our executive council on charges preferred against an individual or the local. And we've gone through this thing and some things have entered into it that I didn't appreciate, and I think again we are going to ask Mr. Jones and Mr. Gladney to give us the names of the witnesses that they want to appear because we are not going to sit up here all night and hash this thing over and over again. You know who your principal witnesses are, and we'd like for you to give us their names.

MR. GLADNEY: Mr. Chairman, our principal witnesses are the president, Alton Bailey--as to what other witnesses we may call, I'm sure we'll call Antoine Boudreaux, but we have to reserve our right to call our witnesses depending on who the charging parties put on and what their evidence may be as we still don't know, but right now we know we are going to call Alton Bailey; we know we are going to call Antoine Boudreaux and Ernest Davis.

THE CHAIR: All I'm saying, Mr. Gladney, is that based on what I see here, the records reveal to me this is a small local as Mr. Henry said, about 180 members, and all you attorneys are doing is sucking them dry, and we don't appreciate that. Call your next witness, Mr. Cole.

MR. COLE: Would you call Edison Jones, please?

THE WITNESS, EDISON JONES, AFTER HAVING FIRST BEEN DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP HIM GOD, TESTIFIED AS FOLLOWS:

THE CHAIR: Now, again, as chairman of the committee I am asking that both attorneys agree with the committee to try and limit their questions to ten minutes as near as possible. And we are not imposing it on you, but we are asking you to try and do so.

MR. JONES: Mr. Chairman, I want the record to show that we are willing to cooperate and try our best to abide by the limitation of ten minutes, but I doubt seriously that we can do that in ten minutes.

THE CHAIR: Mr. Jones, all I ask is your cooperation to try to do the best you can.

MR. JONES: And any form of limitation, regardless of how it is imposed, whether it is by reference, by implication, directive, or by order, we want to oppose to that because in the interest of fair play, in the interest of a fair outcome of this case, we are objecting to any form of limitation. We are not here to expedite time or to save time, but we are here for the purpose of seeing that Mr. Bailey as president of this union is accorded a fair and impartial hearing. Mr. Chairman, you promised us that this morning. We are looking forward to you to live up to your promise and that's all that we are asking you, to do what you promised us this morning, and imposition of time in any form, shape or any manner whatsoever would be not in the best interest of a fair trial.

MR. CHITTENDEN: Mr. Chairman, as we keep stating to these attorneys, that this is a hearing. We are going to restate that. And up until right now it seems that the attorneys have constantly injected nothing but legal points, innuendoes, counter talks and every personal objection they could come in to build the record up. After all, the international states and we were told by the Honorable Gordon West to go back and do this right under the international constitution. We are back here and up until right now the committee has almost asked no questions. We are constantly -- as a result of these lawyers constantly adding and adding into it to where right now from 11:00 o'clock A.M. it is 20 minutes to 5:00, we've had one witness and we had to cut that one kind of short. Now, after all, it's the purpose of the committee to bring this thing in and to hear these people and hear both sides fairly and impartially without any interference of the attorneys: we don't have to allow them to come in. We certainly told Mr. Jones and Mr. Gladney's side that we would like to have one. It's the same deal that the Honorable Gordon West has done in his court to expedite the time. We'd certainly save right now, because we have other federal courts coming up in the morning. We've got over 50 or 60 people outside. If it is going to constantly be prolonged-- and actually it's only being prolonged because a lot of this stuff that is added into this record is repetitious and time consuming. We are saying to you gentlemen-- and as the chairman had told you -- unless this thing is confined to some semblance of dignity, we are certainly going to have to ask you attorneys to excuse yourselves and go -- we'll take

this thing ourselves as it is under the constitution.

MR. JONES: Mr. Chittenden and Mr. Chairman, you both have implied that we -- in the best interest of our client and exercising our duty as representative of our client, that we stand to be thrown out of the door. Now, that has been said by the chairman and as well as by you, Mr. Chittenden. I'm sure that you really don't mean that and I know that you don't; I don't feel that you really mean that. I think that that is a way of trying to suppress our energy and our best interest in the defense of our client to represent them, because your --

MR. CHITTENDEN: Mr. Jones, back to you again. You are trying to put this thing on a trial basis. Now, this is not before a federal tribunal. Now, we had that over there. Certainly you did not have unlimited voice on the floor in the Honorable Gordon West's court and you had Mr. Gladney there. Certainly we want to hear you all, but the case -- you have constantly taken over this thing. It's not a case of where this committee is in charge of anything, it's you lawyers here that have constantly come in here and taken over this thing. And believe me gentlemen, while I'm saying I'm not going to do it, I'm going to adhere to Mr. Hopkins who is the chairman, but if I was the chairman you wouldn't do it. You know our lawyers, Mr. Cole and Mr. Miller, would not usurp the dignity of us in the way you all are doing it if I was the chairman. I'm certainly going along with the chairman, Mr. Hopkins, on it, but I think in all fairness to us and in all fairness to both sides of these people, we

are never going to get the truth of the story if you keep asking things, because the questions that we want to know are not the questions that you want to know. You want to get into the record what is good for the federal court where you can win your case, and I appreciate that. I am intelligent enough to understand that on both sides, but that is not the truth of this case. What you are asking and what answers you are getting is not the truth, and we've got to get at the truth, and what happened to protect Mr. Bailey and the local and to protect his side is what we are looking for, not what I can get before the Honorable court and this is what you all are doing. And you all are building up a record -- you wouldn't ask one-tenth of these questions if we had no court reporters and were taking no notes; you wouldn't ask any of these questions. Of course, and I respect your ability and certainly your integrity and everything and I'm not casting any reflection on any of you gentlemen there because I respect you highly, but I do think that you all are taking over this hearing and putting everything in it that's legal and nothing that we can ask of these witnesses of what we'd like to know as laymen as international representatives. Up to right now we haven't found out anything from these people that the international agreed to rule on.

MR. JONES: All we are doing --

MR. HENRY: Mr. Chairman, with your permission I would like to ask Mr. Jones a question. Mr. Jones, you said you wanted to protect your client and you don't wish to do it with any limitation whether it's ten

minutes or otherwise. For the record, who is your client you are referring to?

MR. JONES: We are talking about charges --

MR. HENRY: Who is your client, Mr. Jones?

MR. JONES: Mr. Bailey and the union.

MR. HENRY: Who is your client --

MR. COLE: May it please the committee, --

THE CHAIR: Mr. Cole.

MR. COLE: -- may I say that this witness is the recording secretary and was asked to bring the minutes of this --

A. Right.

MR. JONES: Have you finished?

MR. HENRY: He's called his witness.

MR. JONES: I was finishing; I was trying to --

DIRECT EXAMINATION

BY MR. COLE:

Q. Mr. Jones, Mr. Edison Jones, you are the recording secretary. Is this the minute book of this organization?

A. Yes.

MR. COLE: I refer the committee to the minutes of this organization which is signed by Mr. Bailey and signed by Mr. Jones on the 7th day of April, 1969, most particularly to this portion at the lower part of the page.

Perhaps it will clear up something in the committee's mind.

(THE COMMITTEE READ SAME.)

MR. JONES: We would like to know what that record says.

MR. HENRY: It will be in the transcript. Mr. Cole, do you have any objection to reading that section of the minutes?

MR. COLE: I have none, sir.

MR. HENRY: Will you please read it for the record so these other attorneys --

MR. COLE: Or better yet, the recording secretary --

THE CHAIR: Let the recording secretary read it.

MR. COLE: Let him read it.

THE CHAIR: Let him read it for the record. Read it out loud, Brother Jones, so the lady can understand it.

A. ILA Local 1830, April 7, 1969, Port Allen, Louisiana. The meeting was called to order by the president. The president asked Brother Earl McQuillon to lead the brothers in prayer. Brother McQuillon responded. Next the president asked for the minutes of the last regular meeting. The minutes was read by the secretary. It was moved by Charley Lamark and seconded by Ernest Davis that the minutes be received. The motion was carried. Then the president asked for the minutes of the previous board meeting. The minutes was read

that was held March 3, 1969. It was moved by J. Harvey Netter and seconded by Louis Harden that these minutes be taken up item by item. This motion was carried. The first item was that every brother be given a floral whenever he deceased. It was moved by Charley Lamark and seconded by J. Harvey Netter that the issue be received -- be carried out. The motion was carried. The next order of business was that of hiring Brother Johnnie Jones as the organization attorney. The issue was discussed thoroughly among the brothers. It was moved by J. Harvey Netter and seconded by Louis Harden that the issue be tabled until a later date. The president said that the motion was before the house and he wanted a standing vote on the issue. He asked the brothers to stand that was for hiring Mr. Johnnie Jones. There were 11 for and 14 against. Next the secretary read the minutes of the special meeting that was held March 26, 1969. It was moved by Charley Lamark and seconded by L. Smith that the minutes be received. The motion was carried. Next the president asked for the board minutes of the meeting that was held April 7, 1969. It was moved by Joe Burley and seconded by Louis Harden that the minutes be taken up item by item. The first item was a meeting of the NAACP. It was moved by Louis Harden and seconded by J. Johnson that this item be accepted. Motion carried. The next item was if a brother was injured or sick he should be exempted from paying his dues as long as he is sick providing he turn his button in. It was moved by L. Smith and seconded by L. Williams that this be carried out. This motion was carried. The next item was that of Brother Henry Hill. This issue

was discussed thoroughly among the brothers and then it was moved by L. Harden and seconded by J. Johnson that Brother Wills will pay the sum of $500 if he wishes to become a member of Local 1830 again. This motion was carried. The president then spoke about the contract. He said that our treasure was in bad shape and he thought that we should sign the contract in order to get our money from the companies. It was moved by Earl McQuillon and seconded by L. C. Erwin that the president would sign the contract. There were 12 brothers stood. There were 5 opposed. Next the president spoke about the AFL-CIO convention that he attended in New Orleans. He gave the brothers some of the things that took place at the convention. His speech was very long so it was moved by Antoine Boudreaux and seconded by L. C. Erwin that the report be dictated and if a brother wanted to know about the convention he would pick up a copy at the hall. The motion was carried. It was moved by Earl McQuillon and seconded by L. Smith that the meeting stand adjourned. Alton Bailey, president: Edison Jones, recording secretary.

MR. COLE: May I now ask questions of the witness, please?

MR. GLADNEY: Yes. With regard to the minutes he just read, we object to them as being immaterial and irrelevant and of no benefit to this hearing.

THE CHAIR: We think it is. I overrule your objection.

BY MR. COLE:

Q. Mr. Jones, were you elected recording secretary in the January elections?

A. I was.

Q. You were installed on the 27th of February with the other officers?

A. No, I wasn't with the other officers. I was installed-- because I wasn't at the installation, but I was installed --

Q. But you were duly installed?

A. That's correct.

Q. Who installed you?

A. The president installed me.

Q. Since that time it has been your duty to take the minutes of all meetings of this organization?

A. That's right.

Q. Have you done this to the best of your ability?

A. I have.

Q. Were you present at a meeting of the union on June 16, 1969?

A. I was.

Q. Did you take the minutes of that meeting?

A. No, I didn't.

Q. Why not?

A. Because they had another secretary present.

Q. Who had another secretary?

A. The president.

Q. Were you present in the hall?

A. I was.

Q. Do you have the minutes, the recording secretary's minutes of the meetings of this organization with you today?

A. The one that was held that night?

Q. No, I'm talking about the ones that have been taken in meetings of --

A. I have.

Q. Have you missed a meeting?

A. Not that I know of.

Q. Are there any minutes in the minute book put there by any secretary of the meeting of June 16, 1969?

A. No, it isn't.

Q. Was a resolution brought before the house on the night of June 16th to cut the joining fee from $500 to $250?

A. It was.

Q. Who brought it?

A. Antoine R. Boudreaux did.

Q. Was a vote taken on it?

A. A vote was taken.

Q. Did it carry?

A. It carried.

Q. Was any objection raised by any member present?

A. Yes.

Q. What was the objection?

A. Well, some of the members say he couldn't do it because it was only brought up that night and a resolution couldn't be brought up one night and passed the same night.

Q. Was there any response from the Chair to that?

A. No, sir, I didn't hear one.

Q. Are you aware of a special meeting that was petitioned by the membership of the local for the 17th day of March, 1969, in the form of a petition?

A. Yes.

Q. What was the disposition of that petition?

A. Well, Antoine Boudreaux read off the petition that the joiner's fee would be cut.

Q. No, I'm not talking about that one. I'm talking about in March: the 17th day of March was there a special meeting petitione

for?

A. Oh, it was.

Q. Did that matter come to your attention as the recording secretary?

A. That's right.

Q. How did you get it?

A. There was a man signed it and gave it to me. I presented it to the president and he told me to put it on the bulletin board.

Q. Did you do that?

A. I did that.

Q. Was that meeting held?

A. No, it wasn't.

MR. JONES: Mr. Chairman, let me object to that because --

THE CHAIR: Now, Mr. Jones, again I'm going to have to call your attention that one attorney -- and you agreed that Mr. Gladney would --

MR. JONES: I'm not asking a question; I'm objecting.

THE CHAIR: Well, you have --

MR. JONES: I have a right to object.

THE CHAIR: -- Mr. Chittenden has stated to you the objection in the --

MR. JONES: I'm objecting: I'm not asking a question.

MR. GLADNEY: Mr. Chairman, we object to any evidence going in with regard to a special meeting when the evidence doesn't show that they had a regular meeting that same night the special meeting was called, and Judge West held in his hearing that it was proper to hold only one meeting, the regular meeting which incorporated the special meeting at that time, and all this testimony about a special meeting when there was a regular meeting that took up the subject of the special meeting that was mentioned in the call was taken up at the regular meeting, and it's all moot. And we object to it.

THE CHAIR: I've tried to, Mr. Gladney, on similar occasions, oh, prior to June 23rd -- I've been telling you all day that those questions were moot which you kept insisting ought to be going in the record, so I'll have to overrule your objection.

MR. COLE: I would call the trial committee's attention to the copy of the order granting the preliminary injunction which was the finding of the court in the case that Mr. Gladney is talking about and I don't find anything in there that says anything like what Mr. Gladney says the judge held. I would offer, produce and file it in evidence in this matter. Mark it "Complaining Witness No. 5."

BY MR. COLE:

Q. Was the special meeting held?

A. No, it was not.

Q. Where did the men -- where were the men at seven o'clock on the 17th day of March, 1969, who were the members of Local 1830?

A. They were standing on the outside in the lobby.

Q. Isn't it so that they were locked out of that hall and were standing outside in the rain?

A. They couldn't come into the hall.

Q. How long did this situation go on?

A. Until 10 minutes after eight when we adjourned the board meeting.

Q. As recording secretary of Local 1830, have you had occasion to of your own knowledge know of any attempt to bargain collectively with the Baton Rouge management after February 22, 1969?

A. No, I don't.

Q. That's all the questions I have.

BY THE CHAIR:

Q. Mr. Jones, I want to ask you something as recording secretary of the local. Since Mr. Bailey has been installed as president of Local 1830, how many members have been taken into the local?

A. Only two.

Q. How many?

A. Two.

Q. Only two?

A. Only two have been made as I know of.

MR. JONES: Let me ask a question.

MR. CHITTENDEN: You are not asking questions.

BY THE CHAIR:

Q. How many men have made application to the local that you know of?

A. I couldn't recall. It was quite a few.

Q. You don't know?

A. No, I don't know how many of them. It was quite a few.

Q. If men had made application to the local, wouldn't it be read off in the minutes; wouldn't it be read off in the minutes that X number of men made application to the local?

A. I read off an application-- I mean, some applications for men I think that was supposed to be made the next meeting; it was about 15 of them.

Q. Let me ask you this. Who approved the application for new members?

A. It must have been the application committee.

Q. Who is the application committee?

A. Johnnie Jackson is one. I can't remember who the others are.

Q. Mr. Jones, I want to show you something.

I want you to come up and take a look at it and see if all these fellows are members of the Local 1830. If they are not, mark the ones that are not members.

A. (The witness so did.)

Q. They are all members?

A. They're all members.

Q. Approximately how many members does Local 1830 have, Mr. Jones?

A. About 183, something like that.

Q. 183?

A. Something like that.

Q. And you don't know just how many applications have been received in the last -- since February?

A. No, I don't.

Q. Well, then, are there any requirements for an individual who makes application with the local to put up any of the initiation fee when he makes the application?

A. I think he has to put down $125 down.

Q. And you don't know who receives that money; if a whole bunch of them puts in an application, you don't know who receives the money?

A. No, I don't know who receives the money.

Q. That's all I have.

MR. HENRY: Mr. Chairman, I would like to ask Mr. Jones a question.

BY MR. HENRY:

Q. You referred to a special meeting that was called and it wasn't held because the men stayed outside until approximately ten minutes after eight and it was raining and then they went home; is that what you said?

A. No, they came and they stayed out until the board meeting was dismissed about ten minutes after eight.

Q. So a special meeting was called for the membership but they had a board meeting at the present time?

A. At the present time.

Q. They did not-- they were not admitted into the union hall, but when the board meeting adjourned, they left, too?

A. No, they all came in. When the board meeting adjourned, they all came in.

Q. And did you have a special meeting then?

A. No, they didn't have no special meeting.

Q. You are the elected recording secretary?

A. Yes, sir.

Q. When a special meeting is called -- and I'm not familiar with your constitution, but do it say that all members should be notified whenever a special meeting is called: do you -- I don't want to mislead you or think I'm leading you: I'm asking

you do your constitution say that the men shall be notified whenever a special meeting is called?

A. Yes.

Q. Whose job it is to notify them; do the recording secretary notify them according to your constitution?

A. (The witness did not reply.)

Q. You post a notice --

A. That's right, I do.

Q. -- they tell me in your constitution you post a notice. Who posts the notice?

A. I post the notice.

Q. Did you post a notice for this meeting?

A. I did.

Q. Thank you.

THE CHAIR: Mr. Gladney, do you want to question the witness?

BY MR. GLADNEY:

Q. Mr. Jones, on this --

THE CHAIR: Wait just a minute, let him --

MR. GLADNEY: Excuse me.

MR. CHITTENDEN: May I ask one question?

MR. GLADNEY: Excuse me.

BY MR. CHITTENDEN:

Q. On this meeting that you were not the secretary, recording secretary, who took those particular minutes?

A. Antoine Boudreaux.

Q. Antoine Boudreaux. Now may I ask this: was you at that meeting?

A. I was.

Q. You was at that meeting?

A. I was.

Q. What was the reason, since you are duly elected recording secretary, why you didn't take those minutes?

A. I came in the building when they were singing and Antoine Boudreaux was on the stand with the president and A. C. Johnson. And since he was up there taking the minutes, I sit down in a seat with the rest of the men.

Q. Who appointed him to take those minutes?

A. Well, undoubtedly it had to be the president. I don't know.

Q. The president. Mr. Boudreaux is a vice president was he -- Mr. Boudreaux elected to any particular office-- in this particular case from what I understand, Mr. Boudreaux had also ran for president and lost.

A. That's right.

Q. And why was Mr. Antoine Boudreaux up on the dais taking minutes of your particular job when you was duly elected for it?

A. I don't know. He was up there when I got there.

Q. And you don't know who told him to get up there?

A. No, I don't know who told him.

BY MR. HENRY:

Q. Did Mr. Boudreaux turn those minutes over to you at this meeting so that you, who being the elected recording secretary, could let it become a part of your records; did he do that?

A. That night he gave them to the president. I didn't see them until the next meeting. At the next meeting we held, I read the minutes. I didn't read the resolution. I only read the minutes what he had wrote.

Q. No further questions.

BY MR. COLE:

Q. Are they now part of your records?

A. No, I didn't even enter them into my book.

Q. Where are they?

A. I don't know.

MR. GLADNEY: The president has a copy. He has the minutes that were recorded -- the president had from Mr. Boudreaux.

THE CHAIR: We have no further questions if you want to --

MR. GLADNEY: Yes, sir. Thank you.

CROSS EXAMINATION

BY MR. GLADNEY:

Q. Mr. Jones, this night when the board met 10 minutes after eight and the men were in the rain, did the men come in and they actually had a meeting of the union?

A. That's right, they came in.

Q. Did they have a full meeting?

A. They had a meeting. The president said that was supposed to be a special meeting but since it was late, he said, "You all know what we are here for; now let's talk about the strike."

Q. O.K. Now, let me ask you what was the special meeting called for, what purpose?

A. To go back to work, to try to go back to work.

Q. Whether they would go back to work or not,

A. That's right.

Q. -- that was the special meeting?

A. That's right.

Q. Now, at the meeting that was held beginning at 10 minutes after eight, they had a full membership meeting of everybody present?

A. That's right.

Q. Was this question taken up at this meeting as to whether they would go back to work?

A. That's right.

Q. It was taken up?

A. It was taken up.

Q. Was it thoroughly discussed; did everybody have a chance to discuss it?

A. It was thoroughly discussed and then they voted on it.

Q. And was this night that they had this meeting; which also had called a special meeting for the same night, was that same night that they were to have a regular meeting?

A. That's right.

Q. So somebody had signed a petition to call a special meeting to be held the same night as the regular meeting, had they not?

A. That's right.

Q. And at the same time, had they not?

A. That's right.

Q. And isn't it usual in every meeting, before every meeting, that the executive board meets just before the regular meeting of membership?

A. That's right.

Q. And that's what took place that night so

far as the meeting of the board and meeting of the membership; it was done as usual on all meeting nights?

A. That's right.

Q. Now, on the application committee, since March of '69 aren't these names, which I will read, the members of the application committee: Louis Smothers, is he a member?

A. I think he is.

Q. And Dorsey Ferguson, is he a member?

A. He's an application member.

Q. O.K.

BY MR. HENRY:

Q. Is he a member or an application member?

A. He's a member.

Q. He has paid his money, has been sworn in, and a full-fledged member?

A. That's right, he's a member.

Q. Well, that's different from an application member.

BY MR. GLADNEY:

Q. Yes. Then the question is, is he also a member of the application committee?

A. I think he is.

THE CHAIR: Wait, just let me ask him one question, Mr. Gladney.

MR. GLADNEY: All right.

BY THE CHAIR:

Q. When did he become a member?

A. A member?

Q. Yes.

A. He has been a member -- Dorsey Ferguson has been a member for a long time.

BY MR. GLADNEY:

Q. And isn't Joe Murray a member of the application committee?

A. Yes, he is.

Q. And isn't Walter Washington a member of the application committee?

A. Yes, he is.

Q. And also Johnney Bill Jackson is --

A. Yes, he is.

Q. Those are the members of the application committee?

A. That's right.

Q. There are five members, are they not?

A. Yes.

Q. Now, Mr. Jones, this night that you did not take the minutes of the meeting was June 16, 1969, was it not, about two months ago?

A. That's right. That's right.

Q. Now, don't you usually attend the executive board meetings?

A. That's right.

Q. Now, did you attend the executive board meeting that night?

A. I don't think they had none that night.

Q. You didn't make any?

A. Didn't have none.

Q. Now, when you got to the membership -- regular membership meeting, hadn't the membership meeting already started?

A. They was singing.

Q. And wasn't that about 8:30?

A. No, it was before 8:30.

Q. Now, when you arrived, don't you remeber that although Antoine Boudreaux was acting as recording secretary in your place, didn't he offer to turn it over to you and you didn't accept the duties?

A. I didn't accept it until -- he didn't turn it over to me until he had read off his resolution and somebody in the building say, "The secretary is sitting back here; why you don't have him up there taking the minutes?" He said, "Come on up." I said, "No," I said, "I don't want to have nothing to do with it now."

Q. O.K. Now, when he said, "Come on up,"

you didn't go, did you?

A. I didn't go.

Q. Now, when you first moved into the meeting did you let Mr. Boudreaux know that you came in?

A. No, I didn't.

Q. O.K. Now, Mr. Jones, before you record the minutes in that book that you have under your feet, don't you usually take the minutes on separate sheets and then keep them in a drawer and then after they are approved put them in the book?

A. That's right.

Q. And the minutes that Mr. Boudreaux took on June 16, 1969, weren't they handed to you and you read them at the next meeting?

A. That's right.

Q. And you had an opportunity to take them and put them in the book if you had wanted to, didn't you, but you-- go ahead.

A. That's right.

Q. But instead of putting them in the book you just put them back in the drawer?

A. Put them back in the drawer.

Q. O.K. Why did you put the minutes for June 16th back in the drawer rather than go on and put them in your book as customary?

A. I didn't write those.

Q. Just because you didn't write them?

A. That's right.

Q. I see.

BY MR. HENRY:

Q. Mr. Jones, I could be wrong, but I thought I recalled you saying when you read those minutes that Mr. Boudreaux had taken at the next meeting, did I understand you to say you read everything but a resolution?

A. Yes, I didn't read the resolution.

Q. Why didn't you read the resolution?

A. The resolution was attached. He only told me to read the minutes and I read the start-- from the starting of the minutes to the adjournment.

Q. What did the resolution contain?

A. The resolution contained joining members for the sum of $200 and for paying attorney fees for the president: that was the two resolutions.

MR. GLADNEY: We have the two resolutions here if you'd like to put them in the record.

MR. HENRY: I was wondering why he didn't read it, that was all.

MR. GLADNEY: At this time we will show the witness --

BY MR. GLADNEY:

Q. -- is this a copy -- either the original

or a copy of the original minutes that were taken for June 16, 1969?

A. That's them.

Q. And isn't this the resolution number one and number two that were attached to the minutes: resolution number one was offered by Antoine Boudreaux --

A. That's right, it sure was.

Q. -- and resolution number two was offered by Ernest Davis?

A. Yes.

MR. GLADNEY: In connection with the witness' testimony, we produce, offer, and file in evidence the documents identified by the witness and ask that they be marked -- we would like the privilege, Mr. Chairman, of making copies of these and return them to the minute book.

MR. HENRY: If you will give it to the court reporter, she will copy it and send the original back, is that correct?

MR. GLADNEY: That's what we want. O.K. This is a carbon copy of the original.

MR. HENRY: We would like to have the original. That's your copy, so there's no change in --

MR. GLADNEY: This is a carbon copy, Mr. Chairman. It's written by the same handwriting as this.

MR. HENRY: If it's O.K. with the Chairman, it's all right with me.

MR. GLADNEY: We would like them to be marked "Respondent 8, 9 and 10." The minutes "8" resolution number one "9," and --

THE CHAIR: You mark them and I'll hand them to Mrs. Parker.

MR. GLADNEY: Thank you.

MR. HENRY: Anything else for this witness, Mr. Jones and Mr. Gladney? Mr. Cole, anything else for this witness?

THE CHAIR: Yes, I want to ask him one or two questions.

BY THE CHAIR:

Q. Mr. Jones, has the local as such -- and you've said you've been in every meeting of the local -- authorized -- how long have you been secretary of the local?

A. I served for three years with President Netter and I was elected when President Bailey was elected.

Q. Well, to the best of your knowledge has the membership of the local ever authorized the officers of the local to hire an attorney to represent the local?

A. Repeat your question, please.

Q. Has the membership of the local ever authorized the officers of the union to hire an attorney to represent the local?

MR. GLADNEY: We object to the question because --

THE CHAIR: That's my business --

MR. GLADNEY: -- to the extent that it may interfere or --

THE CHAIR: We've got a right to know, Mr. Gladney, as the international officers under this constitution here-- under this constitution here the trial committee of the international and under this constitution here the trial committee of the international and under this constitution here this committee has a perfect right to go into any dealings of this organization that we deem necessary.

MR. GLADNEY: Right.

THE CHAIR: And I'm going to ask the question and I want him to answer it. You can object to me asking it; I'm going to ask it..

MR. GLADNEY: Well, the only reason we object to it, Mr. Chairman, is that we don't want his answer to vary the resolution as it reads.

THE CHAIR: Well, I -- Mr. Gladney, I want him to answer my question.

MR. GLADNEY: All right.

A. (The witness did not reply.)

BY THE CHAIR:

Q. Mr. Jones, has the membership of the local ever authorized the officers of the local to hire an attorney to represent the union?

A. No.

Q. They never have?

A. No. The only attorney I know of is Mr. Cole.

Q. Did the membership of the local vote for Mr. Cole to represent the local?

A. That's the onliest -- that's right.

Q. That's all I want to know.

BY MR. GLADNEY:

Q. Did the membership pass this resolution number one that I hand you? Read it first.

A. (The witness so did.)

Q. Did the membership pass resolution number one offered in evidence as "Respondent No. 9"?

A. Yes, we passed it that night.

Q. You passed it?

A. Yes.

MR. GLADNEY: Mr. Chairman, I want to show you -- this is the original signed by the -- I've already offered the resolution and I have offered a copy in. I will be glad to offer the original and with permission, substitute the copy, photostatic copy, of it.

THE CHAIR: I don't know whether the court reporter can understand the photostatic copy as clear as she can the original.

MR. GLADNEY: Yes, sir, it's a real good copy.

THE CHAIR: You've already marked it as the exhibit.

MR. GLADNEY: Yes, sir, but I want to show you, though, that we do have the original, and this -- the one I offered is a photostatic copy, but I want -- with your per-

mission I want to offer the original, withdraw it, and leave the photostatic copy in the record.

OFF THE RECORD DISCUSSION

MR. JONES: "Exhibits 1, 2, 3, and 4" are the pleadings.

MR. HENRY: Does anyone have any other questions for Mr. Jones? If not we will excuse him.

THE CHAIR: Mr. Cole has got something he wants to ask.

MR. HENRY: All right.

MR. COLE: In connection with the witness' testimony--

THE CHAIR: Go ahead, Mr. Cole.

MR. COLE: -- I have no questions, but I would offer, produce, and file in evidence marked as "Complainant's No. 6," a copy of the temporary restraining order assigned the Civil Action No. 69-109, United States District Court for the Eastern District of Louisiana, the lawsuit about which this testimony has been, which shows on the face of it that the restraining order -- that the suit was filed and the restraining order issued on the 5th day of June, eleven days before the 16th. And I have no further questions for the witness, if you please.

MR. HENRY: Any further questions so we can dismiss the witness?

MR. GLADNEY: We have no other questions of

this witness at this time.

WITNESS EXCUSED AT 5:35 P.M.

MR. COLE: Would you call Louis Harden.

THE WITNESS, LOUIS HARDEN, HAVING BEEN DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP HIM GOD, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. COLE:

Q. Mr. Harden, are you an elected officer of Local 1830 of the International Longshoremen's Association?

A. I am.

Q. What is your office, please?

A. Business agent.

Q. How long have you been a business agent?

A. About ten years.

Q. Mr. Harden, were you present at a meeting of the local on the evening of June 16, 1969?

A. Yes, I was.

Q. Did you hear the reading of a resolution which purports to cut the joining fee for the local from $500 to $200 or $250?

A. I did.

Q. Had you ever heard that at a meeting before?

A. I've heard it in several meetings, in board meetings, and at board meetings regular, and it was voted down.

Q. I see. Had you ever heard it -- that resolution read and admitted to the membership meeting before?

A. No, I haven't.

Q. Was a vote taken on that resolution that night?

A. Antoine R. Boudreaux taken the notes that night on the outfit and when he got through reading the resolution he got up and made a motion to adopt the resolution, and somebody in the background said, "No, no, no, no, it's wrong." The president said, "Well, you all may know the constitution, but this one we're going to carry in on."

Q. The objection made that night was that you could not transact this piece of business in this manner --

A. Right.

Q. -- on that night?

A. On that night.

Q. Was a vote taken?

A. Not to my knowing. I don't think there was no vote taken.

Q. Now, in your capacity as business agent of the local, have you had occasion in

the last two months to see any men present themselves for employment on the hill who are not members of Local 1830?

A. No, I haven't.

Q. Do they have a button?

A. They have a white button, but I never was explained about the button no more than we had application men.

Q. These apparently were application men?

A. White buttons. White buttons and blue buttons, different colored buttons. Now, when I asked why they were different colored buttons -- I asked some of the men and they told me they didn't know, that they was running out of buttons. That's all I went along with.

Q. Were these men regular members of Local 1830?

A. Oh, no, they was application men.

Q. Have they to your knowledge ever been inducted in the membership of 1830?

A. Yes, sir.

Q. How many of them are there?

A. Oh, about 75 or 80 of them, I guess.

Q. Do you see them regularly at shape-up?

A. I saw a new one this morning.

Q. Has his name ever come up in one of the meetings to be admitted to membership?

A. Not as I know of.

Q. Have you been making the meetings?

A. Every meeting except one.

Q. Which one was it that you didn't make?

A. The last past meeting.

Q. When was that?

A. That was last -- the first Monday.

Q. The first Monday in August?

A. In August.

Q. The 4th?

A. The first Monday in August.

Q. If they had been presented for membership during that meeting on the first Monday in August, would their names appear in the minutes?

A. They would.

Q. Mr. Harden, I direct your attention back to the night of February 22, 1969.

A. Uh huh.

Q. It is my understanding, and please correct me if I'm wrong, that on that night a joint meeting was held between Local 1830 and Local 1833, at which time a vote was taken on the contract, the deep sea contract at the Port of Greater Baton Rouge,--

A. Right.

Q. -- is that correct?

A. Right.

Q. Would you describe for the benefit of the committee the events that took place on that night?

A. Well, that night when they come up for a vote on the contract, the president said, "Well, I don't like the contract. I don't like the --"

Q. When you say the president, please identify who you mean.

A. President Alton J. Bailey said he didn't like the contract, and he would advise the rest of you all to turn it down, that he didn't like no part of it until he got something for them.

Q. Now, was a vote taken that night?

A. Yes, we had a vote that night.

Q. What were the results of that vote?

A. The vote that night was -- I don't know just exactly how many it was, but it was the majority to -- not to go to work.

Q. I see. Now, was that vote divided in any particular way?

A. Yes, it was divided.

Q. The yeas and the nays?

A. The white was on this side, and the colored was on this side.

Q. Who voted how?

A. The colored vote it down: the white voted to go to work.

Q. Was there any harsh words spoken that night?

A. Yes, they had a couple of disturbances in there, a couple of disturbances.

MR. HENRY: Mr. Chairman, with your permission and Mr. Cole's, I would like here to try and get the record straight for my own information.

BY MR. HENRY:

Q. When the vote was put that night, that's the night we're referring of to ratify the contract, is that correct?

A. That's right. That's right.

Q. Who was presiding at that meeting?

A. Well, that night when they first come to the meeting, Harvey said, "Here is all I can give you, men. This is it. I'm going to turn it over to Mr. Alton J. Bailey."

Q. But when he said, "All of those who are in favor of the contract get on this side; those opposed get on this side," he never said anything about the whites get on this side and the colored get on that side?

A. No, he didn't make no distinction in the colors.

Q. I just wanted the record to show that.

A. And I want to let you know he didn't.

MR. HENRY: O. K. Sorry, Mr. Cole.

A. I brought the white mark. I said the white on one side and the colored on the other.

BY MR. COLE:

Q. I now direct your attention -- oh, before I leave this, were you a member of the negotiating committee --

A. I sure was.

Q. -- that negotiated the contract--

A. I was.

Q. -- that was submitted that night?

A. I was.

Q. Now, I direct your attention to the night of the 17th day of March, 1969. Were you present at a meeting of either the board or the membership that night?

A. I was present at the board meeting and I was present at the membership meeting.

Q. Was there any special meeting called for that evening?

A. Yes, they had a special meeting called for that evening.

Q. What time?

A. Seven o'clock.

Q. Was the special meeting held at seven o'clock?

A. No, it wasn't.

Q. What was held at seven o'clock?

A. We -- they didn't ever finish the board meeting. When they finished the board meeting, he told the fellows to come on in, "I know what they're waiting out there for."

Q. Well, what time of night was that?

A. Oh, about 8:15, as near as I can gather.

Q. How was the weather that night?

A. Raining.

Q. Had any of the members to your knowledge who had come for the special meeting left by this time?

A. I think they were. They had gotten tired of standing out in the rain.

Q. Now, when the membership was admitted to the hall at 8:15 or 8:20, did they -- did you then hold a special meeting?

A. Well, it was supposed to have been a special meeting, but we just went right on with the regular routine with Mr. Bailey.

Q. Well, the matter about which the special meeting was called was what?

A. Was to vote on going back to work and a joint meeting with 1833.

Q. Did this matter ever come up during the board meeting?

A. No, it didn't.

Q. Now, did this matter come up during the course of the regular meeting which followed?

A. It did.

Q. Do you remember what the vote was?

A. No, sir, I can't. I didn't take notes of it, but I think -- I'm not sure. I never did take no notes of it. I don't remember that.

Q. Well, did a majority vote to go to work or not to go to work?

A. A majority of one side -- I think it was 42 to 39, something like that. I think that's what it was: I'm not sure.

Q. Now, at that time, who was not working here?

A. Wasn't nobody working in the Baton Rouge port. We had several -- eight or ten of the men working at the Cargo Carriers.

Q. Cargo Carriers, that's a barge operation?

A. That's a barge terminal. And we had --

Q. Well, did they have a contract at the time?

A. Yes, they had a contract. We weren't voting on their contract at all.

Q. I see.

A. And we had -- Burnside was working at the

time.

Q. Did they have a contract?

A. They had a contract, but it hadn't been signed, but they never did stop work.

Q. I see.

A. So, therefore, this contract didn't affect them at all.

Q. This contract affected the -- was the deep-sea contract --

A. Deep-sea contract.

Q. -- at the Port of Greater Baton Rouge?

A. At the Port of Greater Baton Rouge.

Q. Now, when it came time to vote on the contract, was anybody there from Cargo Carriers?

A. Sure was.

Q. How many?

A. Oh, I don't know about seven or eight of them, I guess.

Q. How did they vote?

A. They voted no.

Q. Not to go to work?

A. Not to go to work. Burnside the same thing.

Q. But at that time they were working.

A. They were working already, you see.

Q. Now, were there any men there from Burnside?

A. Yes, sir, they had a bunch of them from Burnside.

Q. Were they working at the time?

A. They were working. They just got off from work that evening to come on out there.

Q. Did they vote?

A. Sure they voted.

Q. How did they vote?

A. They voted no.

Q. What else transpired that night? Just tell the committee what took place after the meeting.

A. After the meeting, well, they went to work. Them boys said they were going to work the next day on the 17th, they were going to work. I come out of the hall and went out and joined them, and they told me they were going to work, and I went down with them the next morning.

Q. Well, wasn't there another meeting held outside that night?

A. Oh, yes, they had a meeting out there. They had some fellows outside waiting for the joint meeting, but it never -- the joint meeting never did occur.

Q. You didn't have a joint meeting in the street?

A. They had a joint meeting in the street, yes, but I mean in the hall: it never occurred in the hall. We never were permitted to go in the hall.

Q. Now, since the night of February 22 when the referendum vote voted not to accept the contract, has there been to your knowledge any negotiations with management--

A. None that I know of.

Q. -- about a contract?

A. Not that I know of.

Q. Have you been present at any meetings at all?

A. I went to one, and the steamship association said, "We are not here to negotiate no contract. The contract has been negotiated."

Q. Where was that meeting?

A. That was at the Bellemont Hotel, I think, back there.

Q. Could it have been the Holiday Inn?

A. One of those. One of those. Yes, the Holiday Inn, that's where it was.

Q. Have you ever been present at any other meetings between the officers of the local and management?

A. Yes, I was at Burnside down there, and --

Q. What was the result of that meeting?

A. We went down there that day. I wasn't told; I wasn't notified; I wouldn't have never known about the meeting if it hadn't been for my sister local. They asked me was I going down to the meeting that morning. I told them no, I didn't know anything about no meeting. He said, "What, you don't know what's going on down there?" I said, "No, I don't know what's going on." I said, "I heard they were supposed to have a meeting down there, but nobody hasn't told me anything." He said, "Well, they're going to have a meeting down there." I said, "Well, I'm going down." So I goes on down. When we get down there, well, we all gets around the table to talk about the contract. Well, that part never did come up. Mr. Bailey taken the lead and the rest of us, we sit back and listen to him and Captain Hall talking. When they got through talking, that's all there was to it. The man said, "Adjourn the meeting." And that was it.

Q. When you're talking about the man, who are you talking about?

A. Captain Hall.

Q. Now, to the best of your knowledge, that has been the extent of --

A. Of the meeting.

Q. -- of the negotiations between --

A. Yes, sir.

Q. Was the contract ever signed?

A. Well, I was told it was signed. I never did know if they signed it or not. They

had to sign it to get the money.

Q. Do you know when that took place?

A. No, I didn't.

Q. Was the contract ever signed at Burnside?

A. They told me it was signed down there, but I didn't know anything about it.

Q. Do you have any knowledge about a checking account for the Local 1830 at the First National Bank of Port Allen, Louisiana?

A. No, sir, I don't have no knowledge. I've heard it, but you can't go by what you hear, and I heard it in the court over here with Judge West that Mr. Alton J. Bailey told him he had to have an account to survive. That's the onliest one I know anything about.

Q. Do you know to your knowledge of any time when bills of legitimate expenses of the organization have been submitted to the secretary-treasurer that he refused to sign them?

A. No, I don't.

Q. Did you miss one pay day?

A. I missed two -- two or three of them.

Q. That was during the time when there was a lawsuit pending --

A. Right.

Q. -- and a trusteeship?

A. A trusteeship.

Q. Were you ultimately paid for those?

A. I was paid, yes, sir.

Q. And when you were paid, who signed the checks?

A. I signed one of them myself and Alton J. Bailey.

Q. With whom?

A. With Mark Young -- Mark L. Young. And Alton J. Bailey signed the other one.

Q. Did Mr. Young sign that, too?

A. Yes, he signed it.

Q. Mr. Young's signature has been on every one of those checks?

A. Right.

Q. That's all the questions I have of the witness.

BY THE CHAIR:

Q. Mr. Harden, --

A. Yes, sir.

Q. -- in regard to these 75 or 80 odd application men, are they permitted into the union's regular meeting?

A. Well, they haven't been so far.

Q. Well, let me ask you this. In making

applications to the union there's a certain amount of the initiation fee has to come with the application?

A. Right.

Q. Who collects this money?

A. Well, Mr. Hopkins, do you want me to tell you the truth? I'm going to tell you the truth.

Q. I want you tell this committee the truth.

A. I mean I'm going to tell you the truth. The secretary and treasurer and the application committee is supposed to collect the dues, but Mr. Bailey collect all these dues. Now, what happened to them, I don't know.

Q. Has the organization been instructed as to the amount of initiation fees that have been collected in a regular meeting?

A. No.

Q. You have no record of it?

A. No, sir.

Q. You don't know whether or not any of these new men have been -- they haven't been sworn in at a regular meeting?

A. Two men.

Q. And you tell us that 75 or 80 odd men, these application men, who have put up some joining fees, am I right, and you wouldn't know where that money went?

A. No, sir.

Q. It never has been reported to the union as such?

A. Not as I know of.

Q. I don't have any more questions.

BY MR. HENRY:

Q. Mr. Harden, you said you were elected business agent of that local, and as I recall you said you had been business agent for approximately ten years?

A. Right.

Q. As business agent, isn't it your duty to be on the docks and see if the contract is carried out --

A. Yes, sir.

Q. -- and to see that the union men get work--

A. Right.

Q. -- in preference over nonunion men?

A. Right.

Q. You stated that there are two color buttons.

A. Yes, sir. Three colors I said, three.

Q. Three colors?

A. Yes, sir.

Q. A blue button, a white button, and what else?

A. And a red one.

Q. What does the blue button means?

A. Well, the blue button was handled when the white buttons runned out.

Q. What does the red button mean?

A. The red button is a button like the clearance button that the union men have.

MR. MILLER: Regular member.

BY MR. HENRY:

Q. The union button is the --

A. The red button.

Q. -- red button?

A. Yes.

Q. You further stated that you asked somebody what the other button was and they didn't tell you.

A. He said they runned out and they give him this one until they get some white ones. That's what I was told by the men that I asked.

Q. Your initiation fee is $250 or $500?

A. Our initiation fee is $500. It never has been changed until Mr. Boudreaux and Mr. Bailey changed it.

Q. And I understand according to the constitution, a man, when he puts in an application to become a member, he must put

half of the money down: if it's $250 it means he would have to deposit $125: if it's $500, he would have to deposit $250, is that correct?

A. No, when it was $500 -- I'm going to tell you how I know about it -- when it was $500, it was $125 down and $375 within 90 days.

Q. And you said you've seen approximately 75 new members--

A. Right.

Q. -- or new men --

A. Yes.

Q. -- who have been working on the docks. Do you know whether these men put in their application or not?

A. No, I don't. It's usually what they brought out there.

Q. If they had put an application, would that application have been read in the meetings--

A. Yes, sir. Yes, sir.

Q. -- where you would have attended a meeting and would have heard it?

A. Yes, sir.

Q. And you haven't heard no more than two applications, you said, --

A. That's all I've heard.

Q. --were read, and these two men are now members of the --

A. The two mens are members and they've got -- they'd have some more until we had a restraining order.

Q. You further stated about a -- you don't recall or you heard they had signed a contract. Was any meeting called for ratification since the time we met at the Holiday Inn?

A. No, sir.

Q. You were at that meeting at the Holiday Inn --

A. I sure was, yes. I was.

Q. -- that was called by President Victor Bussie of the state AFL-CIO and myself?

A. Yes.

Q. At that time 1830 not signed a contract?

A. No.

Q. Has any meeting been called since that to ratify that contract?

A. They had a meeting called, but the contract never was signed.

Q. But to your knowledge the contract has been signed now?

A. That's right. When we run out of money he had to sign the contract.

Q. What do you mean when you run out of money?

A. We couldn't have -- we couldn't write no more checks: it was all the money that we had. We didn't have no more to write no checks; I'll make it clear to you. I couldn't get paid: he couldn't get paid. So he went down and signed the contract. I want to make it plain to you. You think

I had --

Q. The union employers withheld that check off?

A. Yes, they had withheld everything. You think -- you all laugh; I'm telling the truth.

Q. Excuse me. I didn't mean to laugh. You said he withheld everything and had stopped your pay --

A. Right.

Q. -- then you all moved a little bit?

A. The president moved. I didn't move; I couldn't move.

MR. HENRY: No further questions, Mr. Chair.

BY THE CHAIR:

Q. Mr. Harden, --

A. Yes, sir.

Q. -- aren't you an officer of the local?

A. Yes, sir.

Q. Are you a board member of the local?

A. Yes, sir. I was.

Q. Who has the authority to hire attorneys to represent the local?

A. The executive board of the organization.

Q. Has Local 1830 ever hired an attorney to

represent the local?

A. The executive board of the organization.

Q. Has Local 1830 ever hired an attorney to represent the local?

A. Yes, sir.

Q. Who is the attorney?

A. Mr. Strickland was at that time, and after Mr. Strickland deceased, we hired Mr. Joseph W. Cole.

Q. Has 1830 ever hired another attorney other than Mr. Cole -- I mean your executive board?

A. My executive board, no.

Q. Do you know as an officer of the local whether 1830 does have any other attorneys hired?

A. No, not to my knowledge.

Q. As an officer of the local --

A. I'm telling you ---

Q. -- how are bills paid by the local; who authorizes bills to be paid?

A. The president.

Q. The president authorizes; he doesn't have to get approval from the board?

A. The president authorizes bills to be paid.

Q. The board knows nothing about it?

A. No.

Q. Do you know, Mr. Harden, that the local as of today is paying more than one attorney to represent your organization?

A. I know it today when I come in this hearing.

Q. How many of them.

A. Yes, sir.

Q. You didn't know it until today?

A. I know it then, and I know --

Q. 're telling me you're an officer of the local and you didn't know that on August--

A. That's right. I'm telling you the facts.

Q. Do you tell me that you as an --

A. I'm telling you the facts.

Q. Wait, let me get through. Do you mean to tell me that you as an officer of the local who represents the membership of that local to look out for the welfare of the local and on August 2, three thousand seven hundred and eighty some odd dollars was paid to an attorney who was not hired by the local, and you don't know anything about it?

A. No, I didn't know nothing about it until today.

BY MR. CHITTENDEN:

Q. Louis, on the thing were you ever at a meeting at any time where the local approved any other attorney whatsoever

regardless of names?

A. I was at a meeting when we had an argument one night or a vote rather on the attorneys, and there were two meetings; the first one, Mr. Bailey wanted to hire Attorney Jones. We voted it down. And the second one he wanted to hire Mr. Gladney, and we voted it down. We voted it down at the board meeting; well, that's the last board meeting we had. We haven't had no more, and the rest of the stuff went on through the regular meeting.

Q. At no time to your knowledge was either Mr. Jones or Mr. Gladney OK'd by the executive board?

A. No, not by the executive board.

Q. Now, getting back to this button situation, you say you had three colored buttons.

A. Yes.

Q. If you had three colored buttons -- and I know all about the buttons because I'm the one who put the button system in the ILA-- isn't it a fact that when you run out of buttons you can always buy new buttons? Evidently he must have run out of two types of buttons because you had three different colors.

A. That's right.

Q. And isn't it a fact that usually you have a certain X number of men that's going to be -- this quarter shouldn't you hire -- buy buttons from these people, X number let's say you've got 200 and you use 200, wouldn't you buy 250 the following quarter

and would you have two or three types of buttons?

A. I'm going to be frank with you. I don't know just exactly how he do his business.

Q. All right. Now, on the button, on the face of the button, what's written on the face of that button?

A. Which one you mean, the regular button?

Q. Any one of them.

A. The regular button?

Q. Any one of them.

A. The regular button is general longshore worker.

Q. And then what else? It has got more to it.

A. 1830.

Q. It has got more than that to it. Keep going. It has got more than that to it.

A. Number so and so and so; that's all.

Q. And doesn't it have the quarter; doesn't it have the months on it?

A. Yes, January, February.

Q. All right. Now, wouldn't these other different color buttons either would have several months previous to that, wouldn't they have that on them?

A. Yes, they'd have that on them.

Q. Now, one other thing, too, that has been a vague issue all the way around even into Honorable Gorden West's court over there, ~~can you~~ explain to us why a special meeting was called on a night that normally should have been your regular monthly meeting and right in the time that you would have had -- normally you would have had your executive board meeting; what was the reason that that special meeting was called; there was some reason behind that special meeting being called; what was that reason?

A. We wanted to stop the resolutions that they had to introduce some more mens into this local. That's what the special meeting was.

MR. COLE: He misunderstood your question.

BY MR. CHITTENDEN:

Q. The date, the night that we had -- we're talking about the night that we had the regular monthly meeting. Was that the 17th, March 17th?

A. Oh, you're talking about the time we were going back to work?

Q. Yes, March 17th, the regular monthly meeting; it was on a Monday night, the regular monthly meeting. According to your constitution you should have had a meeting. But there was a petition and a special meeting to be called that particular night at seven o'clock. Why was that meeting called for seven o'clock, and what was the intent or the purpose of that meeting? It has never been made clear to us or to the courts.

A. Well, to the best of my knowledge, I can tell you what I know about it; it was to get together with Local 1833 for a joint meeting to go back to work. That's what it was for.

Q. Was it ever held?

A. No, sir, it wasn't held.

Q. Was it held after your regular meeting?

A. Oh, he called them -- he told the fellows to come on in, that he would -- he knowed what they wanted and so he went on with that. Never was any.

Q. Signify when you say he.

A. The president.

Q. You mean President Bailey?

A. Bailey, yes.

Q. I don't think I have any more questions.

MR. CHITTENDEN: Mr. Gladney.

MR. HENRY: Any other questions, Mr. Cole?

MR. GLADNEY: I have some.

CROSS EXAMINATION

BY MR. GLADNEY:

Q. Mr. Louis Harden, about this meeting that Mr. Chittenden asked about on March 17, 1969, did they have a regular meeting when he told the members to come in after the board meeting?

A. After what?

Q. After the board meeting and he told the members to come on in, did they hold a regular meeting on March 17?

A. I guess that's what you call it, a regular meeting.

Q. Did they have a meeting?

A. Yes, they had a meeting. He told the men to come on in. We had the petition further --

Q. I know, but after they came in they called a meeting together. Did they call the meeting together in a formal meeting way: did he call a meeting to order?

A. No.

Q. Did they have any motions after 8:10 or 8:15; were any motions made in the meeting?

A. After they started the meeting?

Q. Yes.

A. Well, I guess there was.

Q. Who presided at the time?

A. Bailey.

Q. And what was he presiding over?

A. Over his regular meeting, I guess.

Q. All right. And did any --

A. It never was clear to none of us what it was; --

Q. Oh, I see.

I'll make it clear to you; it never was clear.

Q. Were any motions made in regard to --

A. No, no.

Q. -- accepting the contract or not accepting it?

A. Accepting the contract or not accepting it?

Q. Yes, about this --

A. I'm telling you now, there wasn't no meeting made to -- there wasn't no meeting with the -- no joint meeting for no contract.

Q. I didn't say joint meeting.

A. Well, that's what the men -- that's what the special meeting was for.

Q. We're talking about the meeting of Local--

A. That's what the special meeting was for.

Q. We're asking you did they have a meeting of the Local 1830 of ILA.

A. Yes, that was a regular meeting there.

Q. They had a regular meeting?

A. That was a regular meeting there, sure was.

Q. And they held that meeting?

A. Sure we held a meeting.

Q. And did any of the members bring up the question of the contract at that meeting?

A. I don't know.

Q. O. K.

MR. HENRY: Mr. Gladney, let me see if we can get the record straight.

BY MR. HENRY:

Q. Mr. Harden, this meeting that was referred to as -- when you say you were outside and and it was raining and the men stayed until about 8:15, --

A. Yes, sir when we got through with the board meeting.

Q. -- and then they went inside the auditorium?

A. Yes, we come in-- some of them come in and some of them had went home.

Q. And then the president began to open the meeting in the usual manner like you open your meeting?

A. No, he said this; this is what he said -- I told you before -- "You all come on in. I know what you all come for. Let's go ahead on and have the meeting."

MR. COLE: May I ask a question, Mr. Henry?

REDIRECT EXAMINATION

BY MR. COLE:

Q. Did anyone bring up the question of going back to work at that meeting which was held?

A. Yes, it was brought up.

Q. Who brought it up?

A. It was brought up. Several men brought up out there.

Q. Did Mr. Bailey bring it up?

A. Mr. Bailey told them to go ahead on back to work if you want to. He wasn't representing no damn body out there. Now, I'll tell it like it is.

MR. HENRY: Mr. Gladney, you can take the witness.

BY MR. CHITTENDEN:

Q. Mr. Harden, I'm going to ask you this question, and we might have Mr. Bailey pay attention to this because we might ask him the same question. Mr. Harden, do you know where is the petition or was there such a petition asking for a special meeting?

A. Yes, it was one, but I don't know where it is. I don't know where it went. It was on the board once.

MR. CHITTENDEN: Mr. Gladney, we'd like to see you through your client if you have such a petition, --

Mr. Gladney: Do you have the petition, Mr. Bailey?

MR. BAILEY: I don't have it with me.

MR. CHITTENDEN: -- we'd like to have Mr. Bailey furnish that to the committee.

MR. GLADNEY: Can we furnish it to the court reporter?

MR. CHITTENDEN: Yes, that's all right, yes, this portion of the record since we asked that question.

RECROSS EXAMINATION

BY MR. GLADNEY:

Q. At this time since it was brought up about the meeting, I show you this document and ask you if you ever -- read the document; take it -- did you ever hear this document read at one of the meeting?

MR. HENRY: Mr. Gladney, we might -- why don't we ask him? It looks like it's pretty long.

MR. GLADNEY: That's just the minutes for that same meeting. I'd like for him to look at them and identify it so he could tell us whether he heard the minutes read at that meeting of March 17, 1969.

A. This ain't nothing with my name there.

BY MR. GLADNEY:

Q. I know that, but did you hear the minutes of the meeting for March 17, 1969, read at the next meeting?

A. At the next meeting?

Q. Yes.

A. The next board meeting?

Q. Yes.

A. No, we didn't have no board meeting.

MR. GLADNEY: At this time we'd like to produce, offer, and file in evidence the original minutes produced by the officer of the meeting of March 17, 1969, which shows not only that the meeting was held but what took place at the meeting.

THE CHAIR: Is that the same meeting that the secretary-- recording secretary claimed that he didn't get the minutes?

MR. GLADNEY: That's right.

MR. COLE: No.

MR. GLADNEY: No, that's not it.

THE CHAIR: Well, now, the only documental proof that we have of the meeting of said date is the recording secretary's records.

(OFF THE RECORD DISCUSSION WITH MR. BAILEY)

MR. CHITTENDEN: Is that the one taken by Jones?

MR. GLADNEY: Jones, yes, sir. This is the original minutes. We'd like to offer them into the record.

MR. CHITTENDEN: Mr. Gladney, shouldn't we ask on this thing -- isn't this the portion of the minutes that's already in his record book--

MR. GLADNEY: If it is, we don't need to put them in.

MR. CHITTENDEN: -- because you're giving us a separate copy of the minutes and you may already have this in.

MR. GLADNEY: If it is in, we don't need it.

THE CHAIR: March what?

MR. CHITTENDEN: March 17. That would be only repetitious.

THE CHAIR: We've got this for the record.

MR. GLADNEY: We don't need it in here.

BY MR. GLADNEY:

Q. Mr. Harden, you testified that certain men from these other jobs who had different contracts came to the meeting and voted no about the new contract?

A. Yes, I did.

Q. But at that vote, didn't the membership vote in favor of accepting the contract on that same date?

A. Not that I know of.

Q. Didn't they vote to accept the contract on March 17, 1969?

A. It was raining. They never did get the bunch together.

Q. They didn't vote after they called a meeting?

A. They voted out in the streets to go back to work. It wasn't in the union hall. I don't know who attended, but it wasn't in the union hall.

Q. O. K. That's all.

WITNESS EXCUSED AT 6:15 P.M.

THE WITNESS, ELMO SMITH, AFTER HAVING FIRST BEEN DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP HIM GOD, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. COLE:

Q. Mr. Smith, are you an officer of Local -- I.L.A. Local 1830?

A. No, I'm not.

Q. Are you a member of that local?

A. I'm a member of it.

Q. Are your dues paid?

A. So far, yes.

Q. You are a financial member of the local?

A. I am.

Q. How long have you been a financial member of the local, Mr. Smith?

A. Oh, since 1957, I think in October.

Q. Have you worked constantly at the Port of Greater Baton Rouge since that time?

A. I worked up here all the time.

Q. How is the work at the Port of Greater Baton Rouge at the present time?

A. Well, it's a little brief for this week, but week before last it was slim.

Q. Is there sufficient work at the Port of Greater Baton Rouge now, from your experience, --

A. Well, no, --

Q. -- to support a local any bigger than Local 1830 presently is?

A. Well, with the two locals it's just enough work not to overflood with members.

Q. Now, were you present at a meeting held in the hall of Local 1830 on the night of June 16, 1969?

A. I were.

Q. You were there?

A. Yes.

Q. Was Mr. Edison Jones, the recording secretary, present at that meeting?

A. Well, he came in a little late. We had the meeting-- he wasn't there when the meeting started.

Q. Well, what time did you get to the meeting hall that night?

A. I was there for seven o'clock.

Q. I see. To the best of your knowledge was a meeting of the board held before the regular meeting on that particular night?

A. It was, about -- the meeting started about 7:30 -- between 7:30 and 8:00, the board meeting.

Q. Were you present at the board meeting?

A. Well, I went and sat in on the last end of the board meeting.

Q. Do you know who took the minutes of the board meeting?

A. On June 16th?

Q. Yes.

A. Of June 16th -- let me see, that's the first meeting --

Q. When the restraining order was in effect.

A. When the restraining order in effect. Well, knowing that meeting-- I thought you was talking about the first meeting that they had when-- well, in that meeting on the 16th, well, Edison wasn't secretary at that time at least he wasn't in early at that time, but he came in late. Boudreaux was taking the meeting at that time-- taking the minutes I mean.

Q. Did Mr. Boudreaux also take the minutes of the board meeting held just before that?

A. No, sir, he didn't -- he didn't take-- no, sir, they didn't have a board meeting at that time, no, not on the 16th of June. I was thinking about May.

Q. Now, were you present and did you hear Mr. Boudreaux read a resolution and move for its adoption at the meeting on the 16th day of June?

A. Antoine Boudreaux got up and read the resolution and then he -- after he

finished reading the resolution he asked to -- a motion -- he made the motion hisself on the resolution.

Q. I see. Now, that resolution was for what?

A. That resolution was for -- to take in these members, these application members what they are supposed to have, some members that they had -- some new members.

Q. What was the joining fee to be for these new members?

A. The joining fee was supposed to be at two and a half, I think.

Q. That's $250?

A. Yes.

Q. What had the joining fee been before?

A. $500. And on that resolution -- and on that same resolution that Antoine read, when the motion was carried, I asked on the question. And I told the president that he couldn't take -- make -- take a-- read a resolution the same night and adopt it.

Q. I see.

A. I said it was unconstitutional. So he told me, "Elmo, I know just as much about the constitution as you do." And then he say, "I'm going to carry it on through anyway."

Q. I see. Did you vote on the resolution one way or the other?

A. No, I didn't vote either way.

Q. Was there anybody else in your group that did not vote on that resolution?

A. Well, we all was sitting in the back and none of the ones in the back voted on the resolution, only the ones that were sitting in the front.

Q. I see. And your reason for not voting was that you had objected that it was unconstitutional?

A. It was unconstitutional.

Q. Can you estimate how many men were sitting in the back?

A. Well, it was about 15-- between 17 of us I'd say: it might be a little more.

Q. Since that time have you been working on the docks?

A. Yes, sir, I've been working on the docks.

Q. Do you work practically every day?

A. Not practically.

Q. Pretty regular?

A. Regular enough.

Q. Regular when you can get some work?

A. Yes, sir.

Q. Have you seen any men called permit or application men or --

A. Well, when he first-- took in the first application men, he put the regular bona-fide members button on them.

Q. How many of those were there?

A. It was two at first and I came up with a resolution-- I came up with a petition against it, that was in May, and I asked him --

Q. Now, the petition was for what?

A. For -- the petition was for to call a special meeting to talk on these application men.

Q. Is this --

A. Yes, that's it. That's it.

Q. Is that the petition?

A. That's the petition.

Q. What did you do with that petition for a special meeting?

A. Well, I give it to the secretary the night of a regular meeting night so he can have this meeting called for the 8th of May.

Q. Was it posted on the bulletin board?

A. It was posted on the bulletin board but it never was called.

Q. Was there a meeting on the night of the 8th of May?

A. No, it never was that night.

Q. How many men signed that petition?

A. I have about 35 on it.

Q. How many men are required to sign a petition to call for a special meeting under your constitution?

A. The constitution say twenty- -- at least twenty-five men.

MR. COLE: In connection with the witness' testimony, I would offer, produce, and file in evidence and mark it "Complainant No. 7" -- I'll mark it "8" and ask that it be accepted.

BY MR. COLE:

Q. And it's your testimony that that meeting was never held?

A. No, that meeting -- no, sir, he never did call that special meeting.

Q. In order to set the record completely straight, are you one of the men who signed a petition to the international --

A. I signed one.

Q. -- of charges --

A. I signed one.

Q. -- which resulted in this hearing here? First let me show you a document, a Xerox document, which purports to be such petition and ask if you will examine the last page of it. Would you examine the back page of it?

A. (The witness so did.)

Q. Does your signature appear on that document?

A. No, it don't.

Q. Thank you. That means you didn't sign it?

A. No, I didn't sign that.

Q. Then you are not a charging party here today?

A. No, I'm not.

Q. Were you present at the union meeting hall at seven o'clock on the night of March 17, 1969?

A. I was. That's the --

Q. Were you aware of a special meeting that was supposed to be called for the purpose of voting on the contract?

A. Was that the special -- that's the meeting he called-- at least he had the board meeting about seven -- around 7:30 until about 8:30 and that's the night I went in and sat on the last of the board meeting, and that's the night -- well, Edison was the secretary that night.

Q. I see. Now, you were present at that meeting which was held after the board meeting?

A. I was present after that -- when that meeting was held after the board meeting and he started his regular meeting, then he --

Q. Did the question of the contract come up during the course of that meeting?

A. Not during the course of the regular meeting. He refrained from the regular meeting and then --

Q. Well, it came up during the course of --

A. Yes, during the course of it.

Q. Now, how did it come up?

A. Well, after -- someone asked him a question on -- about the special meeting, so that's the way he refrained from his regular meeting when he could say he was holding this on this petition right here.

Q. Now, do you remember exactly what was said: did anybody make a motion to vote on the contract?

A. Well, it wasn't no --

Q. How did it come about?

A. Well, after he refrained and went into this meeting on the contract, well, he got up and read it and talked on the contract, and then that's where he asked for a standing vote on it.

Q. I see. Mr. Bailey asked for the standing vote --

A. Yes.

Q. -- on his own motion, the motion of the chair?

A. Motion on the contract on this meeting -- contract, at least.

Q. Was that motion from the floor or did Mr. Bailey --

A. Mr. Bailey asked for the motion, --

Q. I see.

A. -- asked for the standing count.

Q. And a standing count was held?

A. It was held.

Q. Did Mr. Bailey vote on the count?

A. I don't know exactly whether the marshal had counted him that night or not on this count, but I know he stand-- he was standing all the way through it.

Q. I see. Do you remember what the results of that --

A. Well, after the meeting -- after the count was I think everybody busted out of the building and that's when they left to go to 1833. That's where 1833 met them in front of the filling station, down by the Quick Service filling station, and that's where they had a count on it again, another count, to go to work.

Q. What was the result of that meeting out in front of the filling station?

A. Well, the results of that meeting out in front of the filling station-- well, lots of the mens went over there and voted along with 1833 to go to work, and lots of them didn't vote: some of them didn't vote.

Q. Now, was this resolution to cut the joining fee that was supposedly adopted that

night, was it read in two consecutive meetings before it was voted ?

A. Well, they made-- the resolution that they read that night because this was a special meeting that they went -- Mr. Bailey and them went on the docks and told special members that they was going to have a meeting. And this was a special meeting called: it was not a regular meeting.

Q. Well, ordinarily the constitution requires that --

A. The constitution requires that a resolution be read in the first regular meeting and then it be read and adopted in the second regular meeting, but it wasn't ever done-- this was a special meeting; they went out and picked the mens that they wanted to come to this special meeting with these two resolutions they had. Ernest Davis read one and Antoine Boudreaux read the other one.

Q. That's your recollection of what took place that night?

A. Yes, sir.

MR. GLADNEY: What night are you talking about?

MR. COLE: On the night of June 16th --

A. June the 16th.

MR. COLE: I have no further questions for the witness, Mr. Chairman. I tender him to the Chairman.

BY MR. HENRY:

Q. Mr. Smith, I've been hearing testimony and

you just reiterated about a resolution being read by Mr. Boudreaux. What was that resolution for?

A. The resolution that Antoine read was about taking in new members and was -- this resolution was read by Antoine Boudreaux about taking in new members and also Ernest Davis read one that-- for to lower the dues. Also, Boudreaux read one to lower the dues to two and a half, to $250, then Ernest Davis read the resolution that -- for to making these new men. Also that was in Boudreaux's resolution of making new members, taking in new members.

Q. Well, that resolution was read that night?

A. That night.

Q. Did you hear it read again at another meeting?

A. This was a special meeting that Bailey and several more of his members went out on the docks to different mens and told them that this meeting -- this meeting was called for that night; I think it was on a Thursday or -- Friday night if I'm not mistaken -- that this was a special meeting, that they was having this meeting that night, but it wasn't a regular meeting night.

Q. Yes, well, I'm somewhat confused because you said before that the constitution provides that in order to change any portion of that constitution that you have to read it at this meeting --

A. Yes, the regular meeting.

Q. -- the regular meeting and then --

A. Your first regular meeting and then your second regular meeting --

Q. -- adopt it at the next one.

A. -- you adopt it at the next one. But when I told Mr. Bailey that he couldn't read a resolution and adopt it the same night, he told me, "Elmo, I know as much about the constitution than you does."

Q. But you didn't hear it -- after that one reading you didn't hear a second reading, is that what I understand?

A. That's the only reading it was; it was read and adopted that same night. It wasn't no more reading.

Q. No more questions.

BY THE CHAIR:

Q. Mr. Smith, the night in question you are talking about, how did the members vote in regards to taking in new members· did they vote at all?

A. Well, the members that he had went out and had --

Q. No, I mean, how did the members -- were you at that meeting that night?

A. Yes, I was at that meeting that night.

Q. How did the members vote in regards to taking in new members?

A. Well, it was only the members that voted

was the ones that he had went out and select to come to the meeting.

Q. Was there a proper notice sent out for this special meeting?

A. It wasn't no notice sent out at all. The only notice went out, he went and notified the ones that he wanted to.

Q. That was a special call meeting?

A. It was a special call meeting where he --

Q. Doesn't your constitution require that a notice be posted on the board five days in advance of a special call meeting?

A. The constitution requires it but it never was done.

Q. Are you telling me that the majority of the membership of Local 1830 did not know there was going to be a meeting that night?

A. Only some of the members was notified.

Q. No, that's not what I'm saying. I want you to follow me. Are you telling me that the majority of the members of 1830 did not know that there was going to be a meeting on that particular night?

A. No.

Q. They were not notified?

A. They wasn't notified.

Q. How did you know it?

A. How did I know it?

Q. Yes.

A. Well, I heard one of his men say that there was going to be -- that they was going to have a meeting that night, so I went by there.

Q. And all the members of Local 1830 wasn't present?

A. Not all of them, not two-thirds of them.

Q. Has there ever been in your regular meeting a vote of the membership to lower the dues to take in members or taking in new members?

A. It never -- not present, no, sir.

Q. There never was a vote taken?

A. No, there never was a vote taken.

Q. Let me ask you another question. Who is responsible for taking -- do the executive board or the application committee report to the general membership of the number of applications out to come into the union?

A. Well, we just had an application committee named here in our last -- I think our second -- about two meetings ago, so we haven't been having an application committee.

Q. How did you take in members before then?

A. Well, the president was taking them in.

Q. You mean he didn't have to consult the membership, just take in members when he got ready?

A. He did not consult the membership at all about taking any members in.

Q. What does the constitution say about taking in new members?

A. Well, the constitution say the members -- the membership have to come in by the constitution -- I mean by the application committee and then examined -- and then be examined by the application committee. That never has been done yet.

Q. And then report to the membership?

A. And then report to the membership.

Q. That has not been done?

A. That haven't been done.

Q. To the best of your knowledge do you know how many application members they have?

A. (The witness did not reply.)

Q. I mean that you can definitely say.

A. I can't say exactly how many, but I see a lot, about -- I imagine around a hundred new buttons with -- application buttons and -- exceeding regular membership buttons.

Q. Do you know whether these men had put up money?

A. Well, I haven't -- I don't frequent the office so I couldn't tell you that.

Q. Has it ever been reported in a regular membership meeting?

A. It never have, because every meeting we had it was read out but no-- at least reading the minutes, there's no application committee -- at least, no application members received. Then on the end he says the only time he will notify about the members -- about the application members, that's when they have paid in full and be ready to be made.

Q. That's all I have.

BY MR. CHITTENDEN?

A. Mr. Smith, the night that they took this vote at this special meeting, --

A. Yes, sir.

Q -- when President Bailey told you he knew as much about the constitution as you did, what was the number of votes taken at that particular night for and against that resolution?

A. It wasn't none against. I think it was 37 or 38 for. It might be a little more because where I was sitting at, the members didn't vote at all. We -- on this resolution because we was getting at the president about making this resolution and adopting it the same night at a special meeting.

Q. According to your opinion under your constitution that was the wrong action to be taken?

A. Well, I got up on the floor on the question when he made the motion. I got up on the question and I told the gentleman that he couldn't read a resolution and adopt a resolution the same night. It

have to be read in the first regular meeting and then adopted in your second regular meeting.

Q. We understand that your constitution --

A. He told me that he knew just as much about the constitution as I did.

Q. Do you know how many members were present at that meeting that night?

A. Well, I couldn't exactly say just how many.

Q. You all don't have a record book to keep the number of men as you come in, sign the registers, --

A. No, we don't.

Q. -- so you can tell who was at the meeting?

A. No, we don't have that.

Q. That's all I have at this time.

CROSS EXAMINATION

BY MR. GLADNEY:

Q. Mr. Elmo Smith, --

A. Yes, sir.

Q. -- what was the date of this special meeting that you have been telling the committee about?

A. The date?

Q. Yes.

A. Wasn't that the 16th of June?

Q. If it's the 16th of June, wasn't that the date for a regular meeting?

A. The regular meeting is the first Monday and the third Monday in the month.

Q. Now, in June wasn't June 16th the third Monday in the month?

A. I couldn't tell you unless I looked on the calendar.

Q. Now, if June 16th is the third Monday of the month, wouldn't that be a regular meeting?

A. That special meeting wasn't on the 16th. That was a regular meeting night; that was the night when he --

Q. Tell us what date the special meeting was held?

A. I couldn't exactly tell you the date that it was held because --

Q. O.K. Who took the minutes of this special meeting?

A. Antoine Boudreaux.

Q. I show you this resolution, a copy of which is signed by Antoine Boudreaux, and ask you if that is the resolution you are talking about that you read before the meeting.

A. No, this is not it, not the one he read that night when he was taking the minutes-- that's not the night he read when he was recording secretary.

Q. I show you this resolution marked "No. 2"

and ask you if that resolution was read that night.

A. No, I never have heard this one read.

Q. I show you this document signed by Antoine Boudreaux, acting recording secretary, Alton J. Bailey, president, dated June 16, 1969, and ask you if that is not a copy of the minutes of that meeting of that night.

A. I couldn't tell because this is a carbon copy here. The original copy I could tell.

Q. And reading from this document marked "Respondent No. 8" --

MR. COLE: May it please the trial committee, the witness has said that he could not identify the document. If the document is already in evidence, it's already in evidence. There is nothing to be gained by reading it again.

THE CHAIR: Not a thing.

BY MR. GLADNEY:

Q. But I want to ask you a question. If this document says a motion was made by Brother Antoine Boudreaux that the initiation fee be reduced from $500 to $200, motion carried, 38 for, 1 opposed, is that the meeting that you are talking about?

A. It wasn't none opposed because nobody didn't stand up to oppose it.

Q. But is that the meeting that was held June 16th that you are talking about?

A. I still can't explain this document because it's not the original copy. That's a --

Q. Do you want to see the original?

THE CHAIR: Mr. Gladney, the resolution has been introduced in evidence?

MR. GLADNEY: Right, but I just wanted to clarify the fact that he testified that this was a special meeting and I wanted to show that the minutes that have been offered in evidence show that it was the night of a regular meeting.

THE CHAIR: Well, it might have been the night of a regular meeting, but there was a special meeting called for that purpose. And under the international constitution if a regular meeting -- if a special meeting was called for that purpose, that was all to be discussed in that meeting. He could not hold that in a regular meeting.

MR. CHITTENDEN: Mr. Gladney, you know, you also stated it, too. A special meeting was called, as you know, before.

THE CHAIR: You are trying to confuse the witness.

MR. GLADNEY: I'm not trying to confuse him, I'm trying to --

MR. CHITTENDEN: No, but I'm just stating -- just a minute -- as I stated before, if he says he doesn't know and doesn't remember, certainly you've got to recognize his position as a witness if he doesn't know and doesn't understand.

A. Well, I don't even much look at the minutes because I don't be in a position to look at them.

BY THE CHAIR:

Q. And you wouldn't know whether that was a copy or not, would you?

A. I wouldn't know whether it was or not, --

MR. CHITTENDEN: If he says he doesn't know, that's --

A. -- because I don't see no minutes.

MR. CHITTENDEN: But you already introduced the minutes in evidence, so we'll take cognizance of that fact.

BY MR. GLADNEY:

Q. Is it possible that this motion made by Antoine to reduce the initiation fee from five hundred to two hundred dollars was done at a meeting held June 16, 1969, which was a regular meeting and not a special meeting?

MR. COLE: Mr. --

THE CHAIR: Excuse me, Mr. Cole. Mr. Gladney, we just told you-- we just told you that there was a resolution out, a petition out, calling for a special meeting for this particular purpose. That meeting was not held inasmuch as the resolution was out for this particular meeting and they had no reason to discuss it at the regular meeting.

MR. COLE: This is a play on semantics.

THE CHAIR: That's all.

MR. COLE: What difference does it make whether it was a special meeting or a

regular meeting. It complied with the constitution or it didn't.

THE CHAIR: Well, it didn't comply with the constitution.

MR. GLADNEY: Well, that's the point that he's making, but we are saying that it did comply with the constitution.

THE CHAIR: Well, I am going to rule that it did not comply with the constitution -- under the international constitution it did not comply with it.

BY MR. GLADNEY:

Q. Now, what happened to the petition calling a special meeting for June 16, 1969; do you know where that petition is?

A. I didn't see that petition.

Q. You didn't see it.

MR. GLADNEY: I want to see his "Complaint No. 7" he offered in evidence.

BY MR. GLADNEY:

Q. I again show you this document marked "Complaint No. 7," which purports to be a petition to call a special meeting of the local.

A. No, this wasn't supposed to be; this was one. I made this myself.

Q. O.K. And this petition was put on the bulletin board?

A. It was put on the bulletin board. It's

still on there if they haven't taken it off.

Q. All right. You have the original on the bulletin board?

A. That's right.

Q. It called a meeting for May 8, 1969, at seven P.M., right?

A. Yes, sir.

Q. I ask you did you go to that meeting?

A. Yes, I was there. Nobody didn't show up; the president didn't open the hall.

Q. Were you the only one there?

A. No, Louis Harden and several of us there; several of the mens who signed the petition was there.

Q. What time did you arrive there?

A. Oh, just before seven; I don't know exactly which time. I couldn't -- I didn't time myself when I got there.

Q. And what time did you leave?

A. When I left -- it was called for seven o'clock; I left about seven thirty or eight, between seven thirty and eight.

Q. Who else was there besides you and Louis Harden?

A. Well, I couldn't tell you just exactly who all was there.

THE CHAIR: I don't think he could answer every man there.

A. I didn't take a list of them.

MR. CHITTENDEN: Mr. Gladney, we stated -- we are burning up time and it's going to seven o'clock. As we told you, we are not going to break off; we are going to finish this thing. We have a federal case in court tomorrow and we think it is every bit as important as this and we are not going to break it off, so you are looking forward to staying here if we are going to continue. He told you he didn't know the other men, but he also stated that there was no meeting held so that ought to be sufficient. It's in the records that there was no meeting called and he doesn't know these people, so you keep restating these things and it is repetitious here. You are going to have the whole document here a foot high and it's repetitious.

BY MR. GLADNEY:

Q. Mr. Elmo Smith, we don't expect you to give us the names of them, we are not asking that now, but we are asking you did you have a sufficient number of members there to have a quorum for your meeting that night, May 8th, when you appeared for that special meeting?

A. Well, Mr. Gladney, it's the president the one that calls the meeting. It was -- him and the recording secretary had to determine whether it was a quorum or not.

Q. But did they have 16 members of the union present May 8th?

A. I couldn't tell you exactly how many it was there; I didn't count them.

Q. O.K. You've been supporting Harvey Netter and --

THE CHAIR: Mr. Gladney, I think that's irregular. The man can support -- that's his personal business as to who he has been supporting. I don't think that has anything to do with this case. He's not on trial. It's his personal business who he supports.

BY MR. GLADNEY:

Q. You never have supported Alton Bailey for president, have you?

A. Well, Mr. Gladney, I couldn't tell you that. I wouldn't know if I had or not. When I go vote --

THE CHAIR: He doesn't have to answer that.

A. -- when I went and vote, well, nobody know who I voted for, so you can't tell who I supported. That's supposé to be secret.

BY MR. GLADNEY:

Q. Elmo Smith, didn't you sign a petition that was filed against Alton Bailey on which was the basis for having Mr. Dixon come down here and provoke a trusteeship back in May 30th of --

THE CHAIR: Again -- wait a minute -- again, that is a matter of record; it has been introduced in evidence. We have it in the records here who signed the petition, and I don't think that's --

MR. GLADNEY: I'm not talking about this petition here, Mr. Chairman, we are talking about -- he's already testified that he didn't sign this petition. We are talking about the former petition that was filed --

THE CHAIR: The other petition that was signed and provoked a trusteeship, you have a copy of it; I have a copy of it; there's no use to ask him; you can see who signed the petition.

MR. GLADNEY: Yes, sir, but I want the record to show--

BY MR. GLADNEY:

Q. Didn't you sign this petition?

A. Let me see it.

THE CHAIR: That petition has been introduced in evidence once.

MR. GLADNEY: Not in this record.

THE CHAIR: Oh, in federal court it was.

MR. COLE: The charging party stipulates that this man signed that petition.

MR. GLADNEY: You stipulate he signed it?

MR. COLE: Yes, sir.

MR. GLADNEY: I'm glad you stipulated.

THE CHAIR: Is that good enough?

MR. GLADNEY: I ask that the record should so show that Mr. Cole --

MR. CHITTENDEN: Mr. Cole, do you stipulate that the man --

MR. COLE: I'll stipulate that Elmo Smith signed the original petition.

MR. CHITTENDEN: All right. Let the record show that Mr. Cole stipulates that Mr. Smith signed the petition. Satisfied, Mr. Gladney?

MR. GLADNEY: Yes, the petition which was filed against Alton Bailey.

THE CHAIR: Here the petition is.

MR. COLE: Which provoked the trusteeship originally. Elmo Smith signed it.

MR. CHITTENDEN: As long as they signed it, there's no objection to introducing it as evidence.

BY MR. GLADNEY:

Q. Mr. Elmo Smith, aren't you one that supported Harvey Netter --

THE CHAIR: Mr. Gladney, that again is -- that has no --

A. Mr. Gladney, that's my personal business; I can't tell you that.

THE CHAIR: Mr. Gladney, he's told you he wasn't going to tell you that. That's his personal business.

BY MR.CHITTENDEN:

Q. Mr. Smith, when the chairman speaks, you shut up immediately.

A. Yes, sir.

BY MR. GLADNEY:

Q. Let me finish my question. Didn't you at the time that Mr. Alton Bailey was installed as president of this union, weren't you one in the group that was threatening to have the union placed in trusteeship because you --

THE CHAIR: Again, you just asked the man if he was the one; he's admitted it. Mr. Cole has admitted in evidence that he was the one that signed the petition, so I don't want you to ask the question.

MR. GLADNEY: Thank you. Mr. Chairman, that's all the questions.

THE CHAIR: You are through with the witness?

MR. COLE: No questions.

THE CHAIR: You are through with the witness, Mr. --

MR. GLADNEY: Yes, sir.

BY THE CHAIR:

Q. You are excused, Mr. Smith.

WITNESS EXCUSED AT 6:52 P.M.

MR. COLE: Call Emrick Portree.

THE WITNESS, EMRICK PORTREE, HAVING BEEN SWORN TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP HIM GOD, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. COLE:

Q. In order to clear the record immediately, I show you, Emrick, a petition addressed to the president of the executive board of the International Longshoremen's Association complaining about the actions of Mr. Alton Bailey. I show you particularly the last page and direct your attention to the third signature on the page. Is that your signature?

A. That's it.

Q. Now, there was another petition filed sometime ago asking the International to invoke a trusteeship.

A. Yes, sir.

Q. And they did and did you sign that petition, too?

A. I did.

Q. Now, to let the record be perfectly clear, you are in favor of a trusteeship?

A. I am.

Q. Thank you. Now, were you present on the night of June 16, 1969, when a resolution was adopted to cut the joining fee?

A. I was.

Q. Were you working on the dock that day?

A. I was.

Q. Were you working with some other men?

A. I was the water boy but I was amongst the crew.

Q. I see. Did you see Mr. Bailey on the dock that day?

A. Yes, sir. I remember that; Mr. Bailey came out there. He went to the ship from hatch to hatch and he came on the wharf where we was.

Q. I see.

A. He shook hands with all of us, me and everybody else.

Q. Did Mr. Bailey mention anything to you about a meeting that night?

A. No, but he told some of the boys they had a meeting tonight. But he did not tell me --

Q. Did he tell them to be sure to come?

A. He told them to be sure and finish for them all to get to the meeting tonight.

Q. But he didn't tell you?

A. No.

Q. You were working with them?

A. I was there.

Q. But he didn't tell you?

A. No, sir, not personally.

Q. But you went to the meeting anyhow?

A. I did.

Q. Did you vote on whether or not to cut the joining fee?

A. Well, it was voted on.

Q. But did you vote?

A. Well, no, there wasn't no use to do it. We was the onliest ones to vote there at the time; there wasn't enough to vote.

Q. How many of you all were there that didn't vote on it?

A. I don't know exactly but I know you could count about seven or eight.

Q. There were a number of you that didn't vote at all?

A. Didn't vote, that's right.

Q. Why didn't you vote?

A. Well, it wasn't no use, they would defeat it. Some wanted to cut it down and we didn't so there wasn't no use to go ahead when they voted and adopted it that night and passed the resolution. There was nothing we could do about it.

Q. Did you ever hear that resolution read at another meeting of the membership?

A. Oh, I heard it that night.

Q. That night?

A. Yes.

Q. And that's the only night?

A. That's the night I heard it. That's the night that they voted. I haven't heard it since, until you mentioned it today.

MR. COLE: Does the committee have any questions for the witness?

THE CHAIR: None whatsoever.

MR. CHITTENDEN: I'd like to ask just one.

BY MR. CHITTENDEN:

Q. Since President Bailey has been elected president has he been holding the regular meetings on the first and third Mondays of each month?

A. Well, he has been holding the regular meetings as far as I know.

Q. He has been holding the meetings?

A. Yes, sir, as far as I know of.

Q. All right.

CROSS EXAMINATION

BY MR. GLADNEY:

Q. Now, on this meeting he asked you about, June 16th, that was a regular meeting, was it not?

A. That night?

Q. Yes.

A. It was a regular meeting night, that's right.

Q. And is it customary for the president to go around and ask everybody to come to a regular meeting?

A. Well, it's up to the president. That's his privilege to come there any time he want, he feel like it, on the wharf. That's his privilege.

Q. All of the members know when their regular meetings are held, don't they?

A. Well, yes, they do. They knew they had a regular meeting but what Mr. Cole ask me, did he ask me? He did not ask me. Well, which I never thought much about it.

Q. He didn't need to ask you, you knew about it.

A. I knew they had meetings.

Q. Right.

A. I was going. Whether they told me or not, I was going.

MR. GLADNEY: Now, we tender the witness back to Mr. Cole.

MR. COLE: I have no further questions.

THE CHAIR: We have no further questions. You're excused, Mr. Portree.

WITNESS EXCUSED AT 7:00 P. M.

MR. COLE: The charging party has a number of other witnesses as they indicated before. It is the belief of the charging party that their testimony would be essentially the same as the testimony the committee has heard and it would be cumulative so unless the committee wants to hear additional witnesses on the -- particularly the meeting of June 16th, I will not call them.

THE CHAIR: I see no reason, Mr. Cole.

MR. COLE: Now, the only other thing that I would call to the committee's attention is the fact that Harvey Netter's name has been discussed frequently in this meeting and I ask the committee whether they want to hear Mr. Netter or not. He is present.

MR. CHITTENDEN: Mr. Cole, we gave you the privilege of selecting your witnesses and we did the same thing for Mr. Gladney and his group, more or less, so if you want to select the man it's your privilege, but we just ask you to confine it and keep it short if you select him. It's your privilege. We don't want to tell you yes; we don't want to tell you no.

MR. COLE: I'll call Harvey Netter for the purpose of clearing up the record as to his whereabouts during the time all of this was going on, and for no other purpose.

THE WITNESS, JOHN HARVEY NETTER, HAVING BEEN SWORN TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP HIM GOD, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. COLE:

Q. Mr. Netter, I have promised this trial committee that I would call you for a very limited purpose and that I would cut your testimony as short as possible under the circumstances. In keeping with my agreement with the trial committee I would ask you to refrain from answering questions or giving any testimony other than in response to the questions that I ask. I ask you this as a favor, personal favor. Mr. Netter, on the night of June 16, 1969, where were you living?

A. On the Airline Highway, three miles north of Gonzales, two miles south of Prairieville.

Q. Were you --

A. In Ascension Parish.

Q. Did you attend a meeting of the ILA on that night, June 16, 1969?

A. June 16; I was either in the hospital or in the convalescent home in Mississippi.

Q. I see. Now, your answer indicates that you have been hospitalized this spring. Would you tell the trial committee when you were hospitalized and how long you stayed there.

A. May 12, 1969, twenty-four days in Flint-Goodridge Hospital.

Q. Where is Flint-Goodridge Hospital?

A. Located on Louisiana Avenue, between Loyola and Freret Street.

Q. In New Orleans?

A. In New Orleans.

Q. Your answer also indicated that you spent some time in a convalescent home in Mississippi after that.

A. I did.

Q. Can you give us the dates of that?

A. The exact dates, I can't give you, but it was sometime during the month of May I was there; I was up there 10 days.

Q. Now, on June 16th were you active in the management or the running of the ILA Local 1830?

A. No, sir, I was not. I didn't have no part of it. Pardon me, I'm sorry, I didn't answer your question direct.

MR. COLE: Does the committee have any questions?

THE CHAIR: No.

MR. COLE: Mr. Gladney, do you have any questions of this man?

CROSS EXAMINATION

BY MR. GLADNEY:

Q. Mr. J. Harvey Netter, --

A. Yes, sir.

Q. -- were you in a political campaign to run for president back in December -- November-- December, 1968?

MR. COLE: To which question I respectfully object.

THE CHAIR: Mr. Gladney, the record will reveal that Mr. Netter was in opposition to the present president during that time and it's a matter of record now. I think you-- we've asked the man that question. You know he was; everybody here knows he was.

MR. CHITTENDEN: The record also indicates that, Mr. Gladney, that he was president and he ran for president up until he was defeated by Mr. Bailey. The record will prove that fact.

MR. GLADNEY: We are going into the subject matter of the trusteeship which his petition has asked the committee to recommend that a trusteeship be placed over this local union and I want to go into that subject matter with him.

THE CHAIR: Well, I wish you'd make it short because you -- I mean you asked him a question that you know.

MR. GLADNEY: Thank you.

A. (The witness did not reply.).

BY MR. GLADNEY:

Q. In connection with this campaign didn't you make statements to members of the union that it wasn't any use to elect Bailey president because if he was elected the union would be placed in a trusteeship?

THE CHAIR: Mr. Gladney, again, before you answer the question, in a political campaign such as we have, including the president of the United States, candidates will do everything they can to humiliate the other individual so what he said during that campaign has no bearing on this trial.

MR. HENRY: Mr. Chairman, I think I made this statement earlier, that this committee is not concerned with any politics within this organization whatsoever, that regardless to who is in office, who are members of this organization, they are a part of the International Longshoremen's Association and that's who we are here to represent. We are vice presidents of the International; we are not concerned with politics whatsoever.

MR. GLADNEY: I understand that, Mr. Henry, members of the committee, but if this witness who at that time was president would like to -- tries to get reelected, had made any threats about having the local placed in trusteeship, was using his influence for that purpose, we certainly should have the right to bring it out, and if you gentlemen refuse me that right --

MR. CHITTENDEN: Mr. Gladney, we are not refusing you that right. If you will remember I was sitting in the Honorable Gordon West's court, you brought that out, and we

all were sitting there and this committee was there, there were counsel for both sides there and Mr. Miller was there and we heard what the testimony was. You went into that portion of it at length there and the other witnesses and the other testimony bears that out. We know exactly what you are driving at and we know exactly the portion -- we probably know what his answer will be and that's already a portion of the record from what we gained from Judge West's court.

MR. GLADNEY: If you'll just make a statement and say that that's in the record and you accept that and know about it then we don't have to go into it.

MR. CHITTENDEN: We do know about it, believe me.

THE CHAIR: That's right because we were in the hearing in Judge West's court, sir.

BY MR. CHITTENDEN:

Q. Answer the question for Mr. Gladney real quick, Mr. Netter.

MR. CHITTENDEN: Mr. Gladney, he's going to answer your question.

A. Definitely not, I never made no statements to nobody, nobody at all about the trusteeship of this organization if I lost.

BY MR. CHITTENDEN:

Q. Thank you, Mr. Netter.

MR. CHITTENDEN: Next question, Mr. Gladney.

BY MR. GLADNEY:

Q. You are the former president of Local Union 1830?

A. I am.

Q. You are the person that was replaced when Alton Bailey was elected president, are you not?

A. Rephrase that question, please.

Q. You are the person that was replaced as president when Alton Bailey was elected president and installed in that office?

A. I am.

Q. Now, prior to the installation of Alton Bailey as president on February 27, 1969, prior to that time did you take part in the negotiating of the deep sea contract between the union and the employer?

A. I was in negotiations with the employers of -- and the Port of Baton Rouge -- greater Port of Baton Rouge-- from the month of September until I think it was the night of the 20th or 22nd, the night of the 20th I think we discontinued that and --

Q. On that last date, 22nd, weren't you -- 22nd of February, 1969, when they had a meeting to have a referendum were you not in charge of the meeting?

A. I was -- that was a joint meeting between both locals, Local 1830 and '33. I opened the meeting, presided along with Mr. Durnin, August W. Durnin; we were together. It was a joint meeting. So I couldn't say that I was in charge of the

meeting exclusively, but it was a joint meeting.

Q. But you were in -- jointly in charge of it with Mr. Durnin; it was a joint meeting of two unions?

A. That's right.

Q. And up to that time you had been involved in the negotiating of the contract that they were going to vote on that day, were you not?

A. I was definitely a party of it along with Mr. Durnin and I and our committee. We had about ---oh, I'll say we had about twelve people I'd say more or less.

Q. Right. Now, when they had this referendum or vote in regard to the acceptance or rejection of the deep sea contract, before the vote did you advise the members of the union to accept or reject the contract?

A. Your Honor, Mr. Chairman, may I explain?

BY THE CHAIR:

Q. Yes.

A. In the beginning of the meeting I told the members that I had been with the Baton Rouge Steamship Association since the month of -- the last of September, and done everything in the world I possibly could along with the assistance of Mr. Durnin to get everything we could from the Steamship Association for the men, and up until now we haven't gotten nothing but just this. I'm not satisfied with it. I would like

to have gotten more. I asked them with tears in my eyes to remain in session that evening and see what we could come down to, if we could get just one man, just one man more in the cargo gang and that's the only thing we asked for there -- I mean that's the only thing I asked for was that and I told them, I said I couldn't get that. "So, now brothers, it's up to you to vote the dictates of your own conscience, whether you want it or not, but this is all we've got. So far as having men or money I understand very clearly from New York to Brownsville, Texas, hasn't anything been done about that, so now you can vote the dictates of your own conscience."

BY MR. GLADNEY:

Q. All right. Now, I want to ask you at this time, up to the point that you turned it over for them to vote on this referendum about this contract, did you or any members of your executive committee intimidate make threats and other coercion exerted upon this membership in regard to this vote that was taken that night?

A. Didn't never nobody said anything at all about the vote that night; not a soul from us -- from our side said anything about it.

Q. To any of the members?

A. Not a one from our side said anything about it but there was something said about the vote but we didn't say nothing about it.

Q. But prior to the vote taken was anybody intimidated or urged or forced to make threats on them if they voted for the

contract; did they vote their free will that night?

A. No, they were encouraged to vote against it because it wasn't no so and so good. By the words so and so, I mean you can interpret it as you want to because I wouldn't explain it because we have ladies present here and I don't want to repeat them. But they was-- said that to them that it wasn't no good and it wasn't what we could get because we can get more. That's what was said there to the men about that. They was -- then they was told "If we vote for it, you will be Toms."

Q. That was during the meeting that this discussion took place, was it not?

A. That was during the meeting. It was discussion -- those discussions came up just prior to the vote, from the men on the floor. If you'll have me call them by name I can name them.

Q. Who were the men on the floor that got up and spoke for or against the vote?

A. Mr. Alton Montgomery, Mr. Alton J. Bailey, Mr. Antoine R. Boudreaux, Mr. Albert Sterling, and there were some others. I don't recall just exactly the names of who they are, but I'm telling you those there were there, now.

Q. Did Mark Young speak on the question?

A. Mark Young spoke against it, said that he wasn't satisfied.

Q. How about Ferguson?

A. Ferguson said, "We had gotten all we could get and I'm not satisfied." He said, "I'm not satisfied because," he said, "I thought we could have gotten more but we done all we can do so here it is here for you."

Q. Now, didn't you also tell the membership that you were not satisfied with it but that was all you thought you could get?

A. I told you that to begin with.

Q. All right.

A. I tell that to begin with.

Q. Now, didn't all the members from your union, 1830, didn't they all vote against accepting the contract?

A. Well, they all went to one side. I stated the question that all of them that was for it may stand and go to my left, and all those was against it may stand and go to my right. About four or five people sat in the center of the aisle, apparently reluctant to go either way until they were told if you don't vote against this so and so thing you'll be a Tom and then they got up, all of them, and went to the side. Some went out of the hall; some left there and went out of the meeting that night.

MR.HENRY: Mr. Chairman, I've heard the -- Mr. Netter used the word twice, Tom.

A. Well, I might explain to you, Mr. Examiner, that that word is called more or less between us as a degrading thing.

BY MR. HENRY:

Q. Is that Uncle Tom, what I mean?

A. Uncle Tom.

Q. Oh, well, put the uncle in front of it.

A. Pardon me, you don't need to put all that down.

Q. No, I would like to know. I want the record to show.

A. That means Uncle Tom, that's right.

MR. CHITTENDEN: Let the record show that Mr. Henry asked the application of Tom to show that it was Uncle Tom, a derogatory remark that they used to colored people.

BY MR. GLADNEY:

Q. Can you tell us a -- who talked about being Uncle Tom, who made that statement to you?

A. I told you to begin with, if I may recall, that the persons that would -- that were in the position to use the remarks encouraging the people not to vote for it was the following names that I mentioned.

Q. Well, we understand that but which ones of those used the phrase Uncle Tom?

A. The Tom was said by a number of them. To tell exactly the names of who they was that mentioned it, I couldn't tell you all of them that said it, but I know two people that used that word, Tom, and the two people that -- in fact, three people that used the word Tom, and one of them

was Albert Sterling and the other one was Alton J. Bailey and the other one was Antoine R. Boudreaux.

Q. These remarks about -- referring to somebody as Uncle Tom, were they said when the-- when it was discussion on the floor or were they said as side remarks when the meeting was not in formal session?

A. The meeting was in formal session when it was said but the most striking questions about the Toms was when these men apparently were reluctant to leave the center of the aisle to go either way. They -- after so many of them had gone to the right side there was about five or six of them apparently didn't want to go to the -- either way, so those men were -- that's the time that the word was spoken about Toms. Some of the men got up and left the meeting.

Q. Can you tell us the names of the four or five that stayed in the middle that you were talking about?

THE CHAIR: I don't think that's necessary.

A. I wouldn't know to tell you exactly the names, who they was. I know one man, just one man that I could recall. That practically was the last man that left out of the center of the aisle. That was Emrick Portree.

BY MR. GLADNEY:

Q. And the other men stayed in the center of the aisle?

A. No, they all went over. Everybody went over to the right.

MR. CHITTENDEN: Mr. Gladney, you've asked that same question to my count right now four times and he's explained the same thing and I don't think that -- you're trying to trap him into seeing whether he's going to repeat himself or make some remark that's not based upon what he previously said. Now, you know what he said the first four times.

A. Mr. Judge, Your Honor please, I solicit any questions you want to ask about it; I'll be too glad to tell you.

BY MR. CHITTENDEN:

Q. That will be fine, Mr. Netter, but we just don't have all the time in the world to spare. We want to give all the time we can to all of the pertinent questions but not repeats of questions that we already have answered and documented.

MR. GLADNEY: We don't mean to be repetitious, Mr. Chittenden. What we are trying to do is to find out the names of these people so that we can actually use them as witnesses. We'd like to know the names of the people.

MR. CHITTENDEN: Mr. Gladney, if he states them as witnesses I'll be one that will shut him up on this thing because I don't think that these men should be used one way or another and be used as pawns in the game. They had their choice and I don't think they should be used that way. It's a free country and it's a free vote and I don't think because if they felt good or bad, whether the contract was good or objectionable, that's their choice to make and I don't think they should be used

derogatorily in a remark that's made by one man against another and may be used to criticize because he certainly has that free right. Maybe they felt that if it wasn't voted at that particular time it was justified in either way; they weren't happy with it. We're sitting here right now, Mr. Henry is here, Mr. Hopkins and myself, we all negotiate these contracts and we are never satisfied. Whenever unions or human beings on this face of the earth are going to be satisfied with everything, it's time to call a halt to the earth itself.

MR. GLADNEY: We tender the witness back to Mr. Cole.

MR. HENRY: Mr. Chairman, I would like to ask Mr. Netter a question.

BY MR. HENRY:

Q. Mr. Netter, you said something you had on this contract committee about twelve or fourteen people.

A. That was some from both sides, Mr. Examiner.

Q. As far as 1830, these men who were selected to serve on a contract committee, the membership approved and selected them along with you?

A. Yes, sir. Yes, sir. Yes, sir, they did.

Q. Now, you said that you were not satisfied with the contract yourself because you had a big long list of demands. I know we have it in New Orleans; we didn't get everything we wanted. And you said you wanted to get one man, if you just could have got

one man more or something. I was confused about that. Were you referring to general cargo or something? I know you had grain and general cargo.

A. Well, the one man that I said would have held out -- that I held out for so much -- it was four things that I wanted but this one man that I held out for so much that I thought we was going to get was the man that alternates between the tractor and the cars, loading and unloading -- I mean loading scrap iron. He is the man that gets off of the tractor and that does the hooking up of the chains to the cars and pulls them and pushes them. That at the time was being done by the one tractor driver and I said it was a hazardous risk and I had almost won my objection on that thing -- won my alternative on that to get that and I thought it was the thing that I could push and get that one man and I think it would have been a victory to have gotten that man. But the only thing we got with reference to that was that -- and the two men that he was blocking out. Of course, that wasn't so much of the -- since you asked the question, I'll take a little bit longer, please, sir. That wasn't too much of the thing that we wanted there and the other two things I, of course, will take more time to explain to you about them.

Q. But, Mr. Netter, you and -- you and your committee from 1830 along with the president of 1833 and their committee, you signed a contract jointly, you sit down and discuss whatever your demands might be or whatever you think improvements should be, you do that jointly?

A. We have meetings. Mr. Examiner, we have

meetings periodically with each committee to familiarize ourselves with what we want, and then we have two or three spokesmen; at least we limit it to two spokesmen to keep the committee from being so long. But we all sit down and get ourselves together and swap our ideas of what we think is best, and then we give it to two -- about two men to speak, the president and another man from each local to speak.

. Were you and the president of Local 1833 trying to get everything as far as improvement that you could and that you finally got to the point, you say, you wanted one man and then the employer told you this is it, this is the best he could do?

. That's right.

. And you brought it back to recommend to the membership and said you are not satisfied --

. Sure I did.

. -- but in your opinion this is the best you could do or the best you and Mr. Durnin could do?

. I told -- that night, Mr. Examiner, I told the organization and Mr. Alton Bailey, the president, I told him, "Here it is now. I've striven to the utmost since September and I haven't done anything at all what I wished to do. This is all we can get and if I understand it very clearly that we haven't -- there hasn't been a man anywhere else." "Mr. Bailey," I said, "now if you can get more, here it is because I'm severing my -- I'm severing my connections with the committee as the chair-

man. I'm not going any more, any further than that," I said, "and here it is now, you can do it."

Q. No further questions.

MR. GLADNEY: One question, please, sir. One question?

THE CHAIR: All right and make that the last one, too.

MR. GLADNEY: All right.

BY MR. GLADNEY:

Q. Mr. Harvey, J. Harvey Netter, from September of 1968 until this meeting to vote on the referendum on the contract on February 22, 1969, the committee that you had negotiating this contract, was Alton Bailey serving on that committee with you?

A. Definitely not.

MR. GLADNEY: That's all.

WITNESS EXCUSED AT 7:27 P.M.

MR. COLE: If it please the committee I have no further witnesses to bring before the committee.

THE CHAIR: Thank you, Mr. Cole. Call your first witness.

MR. COLE: If it is in order I would request of the committee a five minute recess.

RECESS

THE CHAIR: Before we call your first witness,

Mr. Gladney, again I'm going to ask you to proceed to call the witnesses that are the most important to the case. We don't want you to think that we're trying to expedite a whole lot of time. When we find that -- me and the rest of the committee find that we have enough evidence in a case, all the evidence that we need, we are not going to sit here all night and listen to everybody out there in that hall.

MR. GLADNEY: We don't want to take the --

THE CHAIR: So we are asking you to put your most important witness on the stand first.

MR. GLADNEY: We'll do that.

THE CHAIR: We've heard a lot of evidence and we want to be fair with you and I'm asking you again to put your most important witness on the stand because I'm going to cut this hearing off.

MR. COLE: Mr. Chairman, --

THE CHAIR: Mr. Cole?

MR. COLE: -- if I might make one request of the committee before we start to hear any additional evidence, there is presently pending before the United States District Court a suit entitled Young against Bailey. It's number 69,161, asking for a preliminary injunction to enjoin the officers of I.L.A. Local 1830 from admitting to membership any additional members supposedly admitted under the resolution that we've been discussing here tonight, the 16th; the records of this local which this committee has quite properly taken into its possession will be material evidence

on the trial of that injunction unfortunately. Now, they will have to be subpoenaed and I find myself in a quandary. I, of course, can issue the subpoena and the judge -- or request the subpoena and the judge, I'm certain, would grant it and this committee would be compelled to surrender these documents to the Court for the purposes of that trial. This would, I'm certain, result in considerable delay in the judgment of this trial committee.

MR. CHITTENDEN: Give us the date, Mr. Cole.

MR. COLE: Friday.

MR. CHITTENDEN: This Friday?

MR. COLE: This Friday, the 15th. If-- the parties and the parties to that litigation are all present at this hearing and if the parties could agree with the consent of the Court to extend that restraining order and pass that matter for whatever length of time you gentlemen feel that you will need these records, it would certainly resound, I think, to the benefit of the local and also -- I can't see where anyone would be damaged any further than what damage they may have suffered now at the present time. I bring the matter up because, of course, in order to prosecute the case I'm going to have to subpoena these records and I know that the committee needs them.

MR. JONES: Mr. Chairman, it's now eight o'clock; we've been here since eleven o'clock this morning. I know that we've got to hurry up on and get our case through because I know we want to expedite time. Mr. Chairman has already expressed that. But, as I say, it's eight o'clock now and

I can see the inconvenience that this trial coming before the federal court will be caused in the event we do not have this material which Mr. Cole said that he would like to have down there. But a restraining order, too -- to continue a restraining order would be another ten days delay of our client of getting this whole thing settled as to whether or not the constitution and Labor-Management Disclosure Act-- Reporting and Disclosure Act has been followed and complied with, which we say has not been complied with as far as knowing the fees and whatnot of admission for --

THE CHAIR: Let me straighten you out there. The Labor-Management Reporting Department has nothing to do with the local lowering the fees or raising them and I don't want to hear that. If this committee feels -- and I will consult the committee, I'm not a dictator -- if this committee feels that these records ought to be in Port Allen, well, then I think it would be unfair not to have these records subpoenaed because when I leave Baton Rouge and these records go with me they will be in Texas; they're not going to be in Baton Rouge. And I think we ought to get the matter straight before we leave here.

MR. COLE: I would appreciate that.

THE CHAIR: I'm certainly going to consult our attorney here with us. We have him; he is very nice, he has not dipped into our meeting today. And he represents the international whom we are here representing, and also the district -- our district president, Mr. Massey, and I'm certainly going to consult him before we leave here tonight because I wouldn't want to put

Local 1830 nor Mr. Cole, or not you if it were you, to the disadvantage of these records being in Texas and force you to subpoena them here.

MR. JONES: We would be happy to make Xerox copies of them and have --

THE CHAIR: You're not going to get the records back. The only way he is going to get them is if you don't agree they are going to have to be subpoenaed.

MR. GLADNEY: Can't we agree to leave them with the court reporter?

MR. JONES: We would agree to leave them with the court reporter.

THE CHAIR: Do you want to agree to leave them with the court reporter?

MR. JONES: Yes, sir.

THE CHAIR: I have to consult my committee. I'm not a dictator. My committee is going to have to --

MR. JONES: We will consent to leave them with the court reporter.

THE CHAIR: We will get to that when we get to it. Call your first witness. Call your first witness.

MR. JONES: It's eight o'clock now and we are just commencing our case.

MR. GLADNEY: Call Leroy Smith, please.

THE WITNESS, LEROY SMITH, HAVING BEEN SWORN TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP HIM GOD, TESTIFIED AS FOLLWS:

DIRECT EXAMINATION

BY MR. GLADNEY:

Q. Leroy, state your full name and address.

A. My name is Leroy Smith. I live at 1774 North Thirty-fifth Street, Baton Rouge.

Q. Now, Leroy, what position do you hold with Local Union 1830 of the International Longshoremen's Association?

A. Well, I was elected vice president by the majority of the members.

Q. When did you take office?

A. I took office February 27th.

Q. During that election that took place prior to you being installed -- well, when was the election, in January of this year?

A. I believe so, that's right.

Q. Did you have a runoff in your election?

A. Yes, we had a runoff in our election.

Q. Who supervised this election?

A. Well, we had some -- a gentleman that -- I don't see him in here of -- he supervised the election. He supervised the election and the runoff.

Q. Will you give the names? I didn't hear the names.

MR. CHITTENDEN: Let the record show that Leroy Smith pointed to Mr. Earl Dennies as the one who supervised the election.

BY MR. GLADNEY:

Q. Was he the only one?

A. No. We had Mr. Al Chittenden, he was here.

MR. CHITTENDEN: There was Clarence Henry and--

A. No, Mr. Henry wasn't here.

MR. CHITTENDEN: -- and Paul Koenigh.

MR. HENRY: Let the record show that the district international officers supervised the election.

MR. GLADNEY: Thank you.

BY MR. GLADNEY:

Q. Now, during the course of this election in which you were elected vice president, did you or any of the officers intimidate or make threats or other coercion towards the membership in regards to influencing the outcome of that election?

A. No, we did not.

Q. Did any of the officers do so, to your knowledge?

A. No, not to my knowledge, they didn't.

Q. Now, were you present at a meeting held

February 22, 1969, at which time a referendum was held in regard to voting on a deep sea contract between the union and the employers?

A. Yes, I was.

Q. During this election or prior to the election did you or to your knowledge any of the elected officers intimidate or make threats or other coercion exerted upon the membership of Local 1830 in regard to the outcome of that election on that referendum as to the contract?

A. No, we did not.

MR. HENRY: Mr. Chairman, I would like to restate the position of this committee, that we are not interested whatsoever as far as the political position in the organization. We are not concerned about that whatsoever. The men voted for whoever they want. As far as we are concerned that's the officers.

MR. GLADNEY: I understand that, Mr. Henry, but we are not talking about the politics; we are only talking about the charges that were presented against the local and Mr. Bailey.

BY MR. GLADNEY:

Q. Now, did you attend a meeting of the union on the evening of March 17, 1969?

A. March 17, 1969, yes, I believe I did attend a meeting.

Q. To your knowledge, was a petition signed to call a special meeting for that night in regard to voting on the deep sea con-

tract, or whether to go back to work or not go back to work?

A. I think a meeting was called for to go -- accept the whole -- for to accept the contract or reject it. I believe a meeting was called that night.

Q. And was a meeting held that night which you attended on March 17th?

A. I believe so.

Q. Was that the regular meeting or was it a special meeting that night?

A. I think it was a special meeting for the contract.

Q. It was also meeting night for the regular meeting, was it not?

A. I don't know. I don't think so but it could have been.

Q. That's the third --

BY THE CHAIR:

Q. Talk loud so the court reporter can hear you.

A. I said I don't think so but it could been the regular meeting night.

BY MR. GLADNEY:

Q. If that's the third Monday in March --

A. If it was the third Monday it was a regular meeting night but I don't think -- but

this meeting was mostly set up for the contract, for either to accept it or reject it.

Q. At that meeting that was held March 17, 1969, did the personnel who worked for Cargo Carriers at Burnside, did they vote on the deep sea contract that night?

A. I believe -- I believe the men --I mean all of them is --

MR. CHITTENDEN: May I ask you a question now? You have established that these men -- at least the question has been several times asked of several of the witnesses and it has been established that these men did vote on that particular contract, all of them-- the ones that worked in Cargo Carriers and the ones that worked at Burnside, and certainly every man in that local had the right to vote for or against any contract --

MR. GLADNEY: That's what I thought.

MR. CHITTENDEN: -- at his free will, without any intimidation and --

MR. GLADNEY: With that statement we won't go any --

MR. CHITTENDEN: -- we have that stipulated several times.

MR. GLADNEY: We won't go into that further.

MR. CHITTENDEN: Thank you, sir.

MR. GLADNEY: Thank you for reminding me of that fact.

BY MR. GLADNEY:

Q. And I show you exhibit marked "Complainant No. 7," which purports to be a copy of a petition calling a meeting, special meeting for May 8, 1969, at 7:00 P.M. Did you ever see this petition calling for a special meeting for that date?

A. Date of the meeting night?

Q. Yes, May 8, 1969.

A. Yes, I've seen it.

Q. Do you know whether or not you attended such a special meeting on that night?

A. No, we had a regular meeting that night.

Q. May 8th would be --

A. May 8th? No, I didn't attend a meeting that night. May 8, 1969. I don't remember attending a meeting that night.

Q. You don't remember attending a special meeting that night?

A. No.

Q. Mr. Leroy, have any charges been filed against you personally for any violation of the longshoremen's constitution, either local or international?

A. Any charges been filed against me personally?

Q. Yes.

A. No, they haven't.

Q. And as an officer of the local, do you personally oppose the local being placed in trusteeship?

A. No, I don't.

Q. Are you in favor of the trusteeship or opposed to it?

A. I'm not in favor, I'm opposed to it. I'm not in favor of a trusteeship.

Q. If the local union is placed in trusteeship would you lose your position as vice president?

A. Yes, sir, I would lose my position.

Q. Were you elected by a majority vote of the members?

A. I was.

Q. Leroy, did you attend all of the regular meetings held by the Local 1830 since your election, February --

A. Yes, I have.

Q. -- and installation on February 27th?

A. I've been to all of the meetings.

Q. At any of these meetings did your president, Alton J. Bailey, refuse to hear any complaints that any members might bring up at the meetings?

A. He did not. Bailey did all he could at those meetings and I think we've had some of the best meetings since he's been elected.

Q. I show you a petition that's attached to our pleading of opposition to a hearing filed by Mr. Alton J. Bailey and ask you have you seen this petition before?

A. I have. I sure have.

Q. Did you sign that petition?

A. I signed it.

Q. Now, prior to signing that petition had you had opportunity to read the charges brought against Alton J. Bailey which are being heard today?

A. Yes. I think all of the charges that are brought against Bailey are just false because Bailey haven't had a chance to do what he's supposed to do and Bailey has not had a chance to prove hisself any kind of way or nothing because it was a lot of fighting before Bailey had even been installed in there, too.

Q. Now, what kind of fighting is it took place before he was installed -- before Mr. Bailey was installed?

THE CHAIR: I don't think -- Mr. Gladney, I don't think that should be entered in the record. We are not -- again not dealing in politics. I had permitted him to say that Mr. Bailey had some of the best meetings which never should have even been entered into the record. Based on the charges against Mr. Bailey, I don't think you should go into the questioning that you are now going into.

A. (The witness did not reply.)

BY MR. GLADNEY:

Q. Mr. Leroy Smith, I show you a copy of the charges which were brought against Alton Bailey by certain members of Local 1830 who signed same. To your knowledge, were these charges every filed with the secretary of the local and by the secretary read at a regular meeting as --

THE CHAIR: Will you please rephrase that question and ask him again? I want to clearly understand what you are asking him.

BY MR. GLADNEY:

Q. These charges which Alton Bailey is responding to today, which you're having the hearing on, and signed by several members of the Local 1830, to your knowledge as vice president of the local were these charges ever filed with the secretary of the local union and by the secretary read at a regular meeting?

A. No, they was not.

MR. HENRY: Mr. Gladney, --

MR. GLADNEY: Yes, sir.

MR. HENRY: -- what day were those charges filed. For the record what day were those charges filed with the international, the ones you just showed Mr. Smith?

MR. GLADNEY: The date on the charges is June 26, 1969, and I don't know what date you all received them but it would be after that.

BY MR. GLADNEY:

Q. The charges that we are talking about are these that are in the record which we can look at and these are the charges that were brought against Mr. Bailey. They are the ones we are referring to when I asked you if they were filed with the secretary and read by the secretary at a local union meeting.

A. We never received any charges. No, we haven't received any charges.

MR. CHITTENDEN: Mr. Gladney,--

THE CHAIR: Just a minute. Wait just a minute.

A. I said we haven't -- the only charges we received, we have adopted some charges lately that were sent --

BY THE CHAIR:

Q. No, that's not what he's talking about, Mr. Smith, he's talking about the charges that were preferred against Mr. Bailey. Did the local receive a copy of them?

A. We received a copy of the charges, yes.

Q. That's all I ~~want to~~ know.

A. We received a copy of the charges and they was read and they was adopted that night through our local. We got a copy of the charges from the international.

Q. But you did get a copy of them?

A. Yes, we did get a copy of them.

BY MR. GLADNEY:

Q. Those charges are what was referred to in his petition when the members of the local signed the petition addressed to this committee?

MR. COLE: May it please the trial committee--

THE CHAIR: Mr. Cole?

MR. COLE: I'm sure this witness can testify that those were the charges that he was referring to when he signed them but how he can presume to speak for another hundred and some-odd men escapes me. I would merely call it to the attention of the --

MR. CHITTENDEN: Your objection is noted like always.

A. I mean I'm not trying to speak --

MR. CHITTENDEN: No. He has the right to object. Are you through with the witness?

MR. GLADNEY: We tender the witness to Mr. Cole.

THE CHAIR: Mr. Cole, before you proceed with the witness I want to, if you don't mind-- go ahead and I'll question him after you get through with him.

MR. COLE: Go right ahead.

BY THE CHAIR:

Q. Mr. Smith, you are an officer of Local 1830?

A. I am.

Q. What are your duties as vice president?

A. What are my duties as vice president?

Q. Yes.

A. Well, my duty is when the president not present on any job and at the local, well, I-- I'm at my office and when he leave or go on any trips or anything, anywhere he go, I'm acting in charge of the local.

Q. Mr. Smith, on the night of June 16th, when this resolution that Mr. Gladney referred to -- was this resolution read in the local meeting?

A. It was by the --

Q. Was that the first time that the resolution had been read into the local meeting?

A. It was.

Q. And was that resolution adopted on the same night it was read?

A. It was.

Q. That's all I want to ask.

MR. GLADNEY: Mr. Chairman?

THE CHAIR: He can answer my questions.

MR. GLADNEY: He can answer your questions but I want to call your attention that I didn't ask this witness about the resolutions or motions that were passed.

THE CHAIR: I asked about the resolution.

MR. GLADNEY: I didn't ask about it.

THE CHAIR: Well, I did.

BY THE CHAIR:

Q. Let me ask you this, Mr. Smith. Do you attend -- since your election do you attend all the meetings of the executive board of Local 1830?

A. I do when we have them.

Q. Have you missed any meetings since the election?

A. Have I missed any meetings?

Q. I asked you if you have missed any of the meetings.

A. No, I haven't.

Q. Can you produce or can your secretary produce any records that the executive board was given the authority to hire an attorney?

A. Any records that the executive board --

Q. Any records that the local has that you can produce where the membership gave the executive board authority to hire an attorney to represent the local.

A. No.

MR. GLADNEY: I think, Mr. Chairman --

THE CHAIR: I asked the gentleman a question.

MR. GLADNEY: You are asking him that but I

think it's an improper question to ask him because --

THE CHAIR: He's a member of the executive board and that's his duty to know.

MR. GLADNEY: There is no contention by anybody --

THE CHAIR: I want to know. I've got plenty of reasons for wanting to know. The committee wants to know.

MR. GLADNEY: Right, but we agree that the executive board never did hire me or Johnnie Jones. I was hired through the president of this --

THE CHAIR: I'll bring that out. I'll bring that out in a question if you will just let me.

MR. GLADNEY: All right, but I --

THE CHAIR: You just let me bring it out.

BY THE CHAIR:

Q. Under the constitution of Local 1830, when any expenditures upon the local's finance, doesn't that expenditure have to be approved by the finance committee?

A. It have to be approved by the finance committee?

Q. Yes, when you're going to spend that local's money, doesn't it have to be approved by the finance committee, or isn't a report supposed to be given to the finance committee?

MR. GLADNEY: Mr. Chairman?

A. No, it don't.

MR. GLADNEY: Just a minute before you answer that. We object to the chairman of this committee asking a legal question of this witness because it is a legal question.

THE CHAIR: No.

MR. GLADNEY: It is governed by the constitution, --

THE CHAIR: The constitution is here.

MR. GLADNEY: -- and it's not a point of order, it's a matter of law there --

THE CHAIR: Mr. Gladney, again, regardless of your point of law, this committee here has been in here to find evidence and we are going to divulge in anything under the constitution of the international we so deem necessary. This is not a court of law --

MR. GLADNEY: Well, you may --

THE CHAIR: -- and we've got a right to ask any question we want; we're going to ask him.

MR. GLADNEY: You may but I want to make the point of order to the chairman and to the committee that even though the finance committee has the right and privilege under the constitution to pass on and approve expenditures for the local, that the body itself can vote and is the governing body of the local.

THE CHAIR: I'm going to get to that if you

will permit me to.

MR. CHITTENDEN: Mr. Gladney, we stated this morning that this is a hearing and not a trial.

MR. GLADNEY: Yes, sir.

MR. CHITTENDEN: You lawyers are conducting yourselves as trial lawyers as if we were federal judges. And as we stated before we are going to get a lot of legal terminology but actually we are not going to get the true facts to please ourselves. Certainly the questions that Mr. Hopkins is asking, we want to please ourselves on because lots of times certain type of executive action gives us the right to think that everything is bonafide. By the same virtue the order of the union can rescind any act. By the same virtue, too, they can hire. Certainly you stated that Mr. Bailey hired you. Mr. Bailey is the president and he hired you but this case is that when we ask questions it's not picking up your term of your type of question -- might in the middle of a question ask something that's so foreign to what you've asked, but it's for our own personal knowledge.

MR. GLADNEY: All right.

THE CHAIR: I might say this, Mr. Gladney, that the evidence we are trying to gather here, we are not only gathering for the benefit of ourselves, we've got to make certain reports and certain recommendations to our international executive counsel and when we make those reports we are going to be asked questions, why is this and why is that, or did you find this

out and did you find that out. We are not stupid, we are certainly going to -- and not find these questions out while we are here. We've got to have an answer when we get to our people.

MR. GLADNEY: Right, but from our standpoint in representing Mr. Bailey we think that the hearing should be restricted to the charges which we made our real objection this morning at not to go out of it.

THE CHAIR: We're not getting away from the charges either. We are trying to find out whether or not this local's money, the finances of the local have been handled right, and we've got to find out what status the local is in and why are three or four lawyers sucking the local dry. That's what we're to find out.

MR. GLADNEY: Well, a general objection is made to that.

MR. CHITTENDEN: Mr. Gladney, we told you this morning --

MR. GLADNEY: Yes, sir.

MR. CHITTENDEN: -- and we told both counsel for -- both for and against that we'd note all of your objections.

MR. GLADNEY: Right.

MR. CHITTENDEN: On certain other phases of when the governing body of any outfit moves in, and certainly the Landrum-Griffin would move in or the Taft-Hartley, or the federal bodies move in on this thing, they don't restrict themselves to what the charges are. They go on a fishing expedi-

tion and when they finish -- you know this -- and when they finish --

MR. GLADNEY: I didn't know that.

MR. CHITTENDEN: -- they can go over and they will turn over -- you see like this book here? Lots of times I recommend a little different keeping of this type of record although it's a record and things like that that we want a little more explicit and little better and everything. But the case is this, it can be a fishing expedition. The charges that were brought about to any particular one of these particular groups is not what usually hurts the candidate. And so we say that while we are going to try to restrict it to this thing, we are trying to get all of the facts to try to be fair and impartial.

MR. GLADNEY: Yes, sir.

MR. CHITTENDEN: We are sitting here right now, we don't see a person or a name; what's good or what's bad, this is what we're trying to straighten out. We are not witch hunting. Believe me, this committee is not witch hunting.

MR. GLADNEY: O.K. I didn't know that you would be on a fishing expedition.

MR. CHITTENDEN: No, we're not, but we're saying this, that's why we are saying this, we want the true facts and you know that they were gone into.

MR. GLADNEY: We have no objection to that.

BY THE CHAIR:

Q. Mr. Smith, I'm going to ask you again --

A. Yes, sir.

Q. -- at any time to your knowledge has the local gone on record, or the executive council of the local which you are a part of, to recommend to the membership of the local concerning hiring of attorneys or a particular attorney?

A. It was recommended once a while back to the members as we had -- you know, like we have a general meeting, you understand, for to hire an attorney.

Q. Had the committee gone to the local with their recommendations and has the local so approved it?

A. The committee went to the local as a recommendation? I don't quite understand your question. Explain your question again. Had the committee went to the local -- have the committee went to the local you say with a recommendation --

A. I mean you go to the local with a recommendation, you want to do thus and so and so and so and so. Had the committee -- I'm talking about the executive committee-- have they ever gone to the local because "we want to hire an attorney" and who the attorney is going to be and has the local approved of it?

A. No, we had a meeting.

Q. Yes or no?

A. No. We never went through anything like that.

THE CHAIR: O.K., Mr. Cole.

MR. HENRY: Let me ask him a question, probably, Mr. Chairman, we could clarify something here.

BY MR. HENRY:

Q. Mr. Smith, we have three attorneys here.

A. Yes, sir.

Q. These attorneys say they represent Local 1830. The record has been brought out here that one attorney received I think the record would say three thousand, seven hundred and a few dollars. We are trying to find out, you being the second man in command in this organization, you are the vice president, --

A. Yes, sir.

Q. -- and you are a member of the executive board, whether or not you recall that the executive board had authorized the president or anyone else to employ any attorney, since you became vice president to hire any other attorney other than what you previously had.

A. Yes.

Q. That they have, you said?

A. Yes, that was brought up before the board--

Q. Mr. Smith, --

A. Yes, sir.

Q. -- these reporters can't hear you when you shake your head.

A. Yes. That was brought up before the board that we had the general meeting, brought it up in a regular meeting, for to hire an attorney, for to approve the president to hire an attorney.

BY THE CHAIR:

Q. Do you know what meeting that happened in, Mr. Smith?

A. I can't remember -- it's been -- I don't know exactly what meeting that happened in but I was at the meeting.

MR. GLADNEY: I think the witness should be allowed to refresh his memory by looking at the minutes of the meetings that have been offered in evidence, of the regular meeting of June 16, 1969, and the resolutions attached thereto.

THE CHAIR: Mr. Gladney, again, we are going to call your attention to the constitution of the I.L.A., of the minutes of June 16th, and the resolutions that were passed at that meeting. We don't go along with that. We think that --

MR. GLADNEY: You don't go along with what, Mr. Chairman?

THE CHAIR: The resolution being passed in the meeting of June 16th.

MR. GLADNEY: It was passed in the form of a motion. We are not talking about the resolution with regard to reducing the initiation fee from $500.

THE CHAIR: We're not talking about that either.

MR. GLADNEY: We're talking about a motion made by Brother Antoine Boudreaux, a resolution was read by Brother Antoine Boudreaux relative to the attempt by I.L.A. to place Local 1830 in trusteeship, and in connection with that he read a resolution to the meeting.

THE CHAIR: He read one but we're not -- the resolution was not approved at that meeting. If it was approved it was approved wrong and that's what I'm trying to --

MR. GLADNEY: After the resolution was read it was moved by Brother Antoine Boudreaux and seconded by Brother E. Davis, J. Johnson and A. Montgomery, that this resolution be adopted. Motion carried by 50 for and 6 against, and the resolution is attached to the minutes of June 16, 1969, which is offered in evidence as "Respondent No. 8" and is -- the resolution itself is offered in evidence as "Respondent No. 9."

THE CHAIR: We understand that, Mr. Gladney, but according to their own constitution that resolution could not have been adopted at the same night it was read.

BY MR. HENRY:

Q. Mr. Smith, you said you have never missed a meeting of the executive council, you have been attending all of the meetings?

A. I have since I've been elected.

Q. Have you been at any meeting where any bills were presented for an attorney and the records have already shown from Mr. Gladney that this organization would pay three thousand, seven hundred and a few

dollars; were you there to vote on any such issue, paying any bills along those lines?

A. Well, I was there at the time we give the president -- we passed the bill for to get an attorney but I -- we never had a meeting -- whatever the attorney charged I guess we called ourselves voting for it that night. I mean we -- I wasn't there for the time that -- for to pay the attorney what you say, three hundred and something --

Q. Three thousand something.

A. Yes, seven hundred something.

Q. Mr. Smith, are you on salary with the local?

A. Yes, I'm on salary.

Q. Are you a vice president who works on the docks?

A. I works on the docks, yes, because the salary they pay me is not helping me. It couldn't take care of me no kind of way.

Q. You a re not on a weekly salary, you're on a daily salary?

A. No, I'm not.

Q. You get a certain amount as vice president on a monthly salary or something like that?

A. Yes, they average it monthly, about $2 a week.

Q. I can't hear you.

A. I get paid by the week but it's not enough to help me with my family. It's a small donation I get from the local.

Q. What did you say, the reporters want to hear? You get how much a week?

A. I get about $25 a week from the local.

Q. No further questions.

BY THE CHAIR:

Q. Now, Mr. Smith, the finance committee is supposed to make a report to the executive committee and the membership of the action, am I right?

A. Yes, sir.

Q. Did you or did you not have a regular meeting on the first Monday in August?

A. Yes, we had a regular meeting on the first Monday.

Q. Did the finance committee on the first Monday in August report to the executive committee the amount of money that they owed, they had out for expenditure, they owed any individual?

MR. GLADNEY: Mr. Chairman, I would like to make it clear to the witness when you said did he attend a meeting on that night, what are you talking about, the regular membership meeting or --

THE CHAIR: I'm talking about the executive board. We're talking about the executive board.

MR. GLADNEY: That's what I want him to understand.

A. We didn't have any executive board meeting that night. We had a regular meeting.

BY THE CHAIR:

Q. All right. It's also stated in your constitution that a finance committee is supposed to make a report to the full meeting in assembly. Did the finance committee make a report at the first meeting night in August that they had an expenditure of $3,780 that was paid an attorney; did they make that report to the membership?

A. I don't think so.

Q. They didn't make it, did they?

A. No, I don't think so.

Q. That's all I want to know.

MR. JONES: Mr. Chairman?

THE CHAIR: Mr. Jones, we have explained to you that we are only going to listen to one of the attorneys. If you've got something you pass it on to Mr. Gladney and let him bring it up. We're not going to listen to both of you. I told you that two or three times.

MR. GLADNEY: The point we are making is a point of order in regard to the chairman or members of the committee who state it's necessary to have a resolution presented and passed one night and presented a second time, that under the constitution of this union only refers to proposals in

regard to amending the constitution and not to motions or to resolutions for action in regard to --

THE CHAIR: We understand what we are talking about though. You might not but we do.

MR. CHITTENDEN: Mr. Gladney, you know that all parliamentary proceedings you cannot and it has never been done that a resolution is read the first time of its introduction and voted on simultaneously. It's never been done. It's not done in parliamentary procedure. The international constitution says it cannot and should not and will not be done. We say that that is illegal. The constitution also states -- of the district and the local and your own particular local there states that it has to be in two meetings and it also says it has to be by two-thirds vote, and by your own statement right now you stated to change it, it has to be done that way. And this is what you all are basing your opinion on and it has been done because this resolution was to change the $500 initiation fee to this other $250.

MR. GLADNEY: Well, if you are talking about the initiation fee I understand --

THE CHAIR: We're talking about any resolution to change the constitution.

MR. GLADNEY: -- that any resolution --

MR. CHITTENDEN: Any resolution but this particular resolution that you counsel have been talking about and sometimes it's ambiguous to refer to that the resolution itself and we say that it cannot and should not be adopted. We are not against-- and let me say this. This board sits here not against anything that a local wants to

do within restrictions of the international constitution. If they want to put a bona-fide resolution into it to adopt a lesser initiation fees, we've got one regular meeting, vote on it at the second, we here as board members are not against that. We're against the motion and adoption of a single meeting. We say that's the illegal part of it.

MR. GLADNEY: But Mr. Chairman was confusing this witness as to asking him about a resolution in regard to hiring a lawyer and paying the court costs in defending a lawsuit that Mr. Alton Bailey as president had retained a lawyer and had filed a suit and they passed the resolution ratifying his action and authorizing him to proceed and agreed to pay the court costs and expenses and the legal fees incurred.

THE CHAIR: Mr. Gladney, the thing that concerns this committee --- let me tell you this. The thing that concerns this committee is that as I understand it it is a small organization. They only have approximately 180 men and I don't know whether that's the application men or not, but that's our understanding. And it's our duty as members of the executive council of the international, we wouldn't let the individual members do what you have done to this local. Now, we don't feel like it's justifiable; we can't find anything in the record and we've gone through these records, and why would three lawyers, you, Mr. Cole, and Mr. Jones, sit here and bleed these 180 men to death? We are not going to let you do it. And we find nothing in the records to reveal to us that the membership of this local has voted for you to do so

and somebody is going to have to pay the costs.

MR. JONES: Mr. Chairman?

MR. GLADNEY: Well, let me tell you something on that.

THE CHAIR: We can only hear one of you, Mr. Jones. I'm not going to --

MR. GLADNEY: A point of order. We would like to state to Mr. Chairman and to the committee that if you hadn't come down here to hear illegal unfounded and unsound charges against this president and with a request that this union be placed in trusteeship, there would have been no need for a lawyer.

THE CHAIR: Wait a minute. Wait. So far as this committee is concerned we don't feel like there is need for a lawyer here tonight or all day. This is the first time in the history that I know of, and there are men around the table here who have been here longer than I have, that a lawyer had to come and settle these kind of questions. As laymen we come in and settle them ourselves without any cost to the local. And no doubt your bill here today is going to be a thousand dollars and it's wrong and we're not going to tolerate it.

MR. CHITTENDEN: Mr. Gladney, before you answer, on the previous statement that you made, if we would have done it right maybe Mr. Bailey -- from what you stated now; this is not my statement, it's yours -- when the executive board met several weeks ago in Miami, Florida, this was a hearing and it's still a hearing, we invited all participating parties from this Local 1830

to come there and we certainly invited Mr. Bailey to come. I understand that the invitation was there and Mr. Bailey went to the local and the local refused to pay it but he was invited. Had he been able to get someone in the international board itself -- then on what the international was told, this was why Mr. Dixon was selected by the international board to come in, to go in, of course, as you know on trusteeship. Trusteeship is not placed saying that any man is guilty of anything. The trusteeship is placed there to restore peace and harmony and order, not to remove Mr. Bailey nor his officers, but to restore peace. If for some reason there are grounds for charges, then the proper necessary charges are brought, the trial is held, the guilty person then -- or if there is no charges warranted at this time, these officers are restored to their position and all monies retracted in pay are paid to these particular men, and this was done. And the only reason that this here is today is because we happened to get in when they came in and the court stepped in prematurely before we were able to come in and ascertain whether these charges had any merits or foundations, like we are doing now. But right now we are putting all the legal points in here that if it is not pleasing on your side or not pleasing on Mr. Cole's side, then this is where the court steps in, but right at this particular moment we are trying to do the best we can to find out what is the true merits or whether these charges have any foundation.

MR. GLADNEY: Yes, sir, but I don't think the thing should have gotten personal between the Chairman and myself in regard --

THE CHAIR: It's not personal. I just don't--

MR. GLADNEY: --to the legal fees charged--

THE CHAIR: -- I just don't think it's right.

MR. GLADNEY: -- to the union. And I think that you are entitled to be paid for your services and I think we as lawyers are entitled to be paid for our services. Whether it's right or not is a matter of opinion, and I don't think that you all should inject that into this hearing which was never involved here and --

THE CHAIR: Mr. Gladney, I think the membership of Local 1830 has a perfect right; it's their finances; it's not Mr. Bailey's finances; it's not any of the individual members' finances. The finances of Local 1830 belong to the 180 men of 1830 and those 180 men have a perfect right under the constitution to say how that money is going to be spent and who it's going to be spent with or to.

MR. GLADNEY: Right.

THE CHAIR: They have not been consulted as of this date.

MR. GLADNEY: They have been consulted --

THE CHAIR: Now, wait just a minute. You can't find five members sitting out in that auditorium that will tell you how much they paid you.

MR. GLADNEY: I can't answer that, but --

THE CHAIR: I can.

MR. GLADNEY: -- I can say that at a meeting held on June 16th it was brought up --

THE CHAIR: You can't show me nowhere -- you have produced the resolution and the other documents here at the meeting on June 16th. You can't show me nowhere in those minutes where they voted to pay you $3,780 or voted to pay you anything period.

MR. GLADNEY: It says, "Be it further resolved that this local agrees to pay the court costs and legal fees in connection with this suit brought by the union ..." --

THE CHAIR: That resolution is out of order because it was introduced one night and read the same night and we are not saying that resolution is --

MR. JONES: Mr. Chairman, you have continuously said that and --

THE CHAIR: Mr. Jones, I'm not going to hear you. We've said we are going to hear one lawyer from either side and we asked you to refer your questions to Mr. Gladney and we will listen at them. We are not getting but one lawyer -- listen to one lawyer from each side and we are not going to sit here and listen at you, Mr. Jones.

MR. GLADNEY: This type of motion or resolution that was passed by the membership does not have to be read twice or brought up at a separate meeting.

THE CHAIR: It's our opinion that it does.

MR. JONES: Article 25 of your constitution says it does not.

MR. HENRY: Mr. Chairman, I would like the vice president to know that this committee here is only trying to get the facts in order for them to make a recommendation whether something -- or the charges that have been filed against Mr. Bailey is right or whether it's wrong. And we here as a committee, we represent the international and we represent every member who belongs to the international. We are not concerned about politics within this organization or any organization. I want you to know that we are not trying to mislead you; we are not trying to lead you to say something that you don't know. If you know it, the question that the committee will ask you, I would say that you could answer to the best of your knowledge. But the only thing we are concerned about is to protect the I.L.A. image and to protect the members who work so hard for their money and pay their union dues to the I.L.A. We probably will ask you -- we'll ask you more questions than maybe we'll ask others because you are the second man in command. We believe that the vice president should be aware of whatever goes on in the local. And for that reason, and that reason only, it may be some questions that we will ask you in the future. Mr. Gladney over there said he had no further questions to ask and at this time, Mr. Chairman, I think we should turn the witness over to Mr. Cole who wants to ask some questions, and we may want to ask some questions further afterwards.

MR. CHITTENDEN: Before Mr. Cole takes him on this thing, I certainly want Mr. Gladney to understand that we are going to leave this up for our council and things to decide, but there is no objection on these particular points. However, as you all

know, that whenever any bills comes in, that the bills should be read to the local and all to the finance committees to honor these bills and if it's done so, then that's the problem of the locals, and this was one point that hadn't been brought out. Certainly in the reading of the bill, naturally the bill is coming from your law firm, should state these things and what the number of the case is and then it is voted on by the membership to pay, and that's one thing, but not to get too far into that, I would like to ask Mr. Smith there, --

BY MR. CHITTENDEN:

Q. -- were you at the meeting of May 19th?

A. I think so. I believe I was.

Q. There was a resolution in there, written in there, that was proposed by Mr. Antoine Boudreaux and presented to the membership on and there was a vote on this thing but it doesn't state what the resolution was or anything about it. It just says that it was presented by Mr. Boudreaux, Mr. Bailey asked for the vote on it, and he asked for a standing vote, and they have no knowledge of the resolution what it is or what it's for or no date or what the resolution was and --

MR. GLADNEY: You are talking about the meeting of May 19th?

MR. CHITTENDEN: May 19th.

MR. GLADNEY: Here is the original minutes for May 19th, but we don't see any reference to a resolution in there.

MR. CHITTENDEN: Yes, we have it in here. It was also moved and there was a second by Brother Williams that the resolution be passed and the president called for a standing vote on the motion. There was 18 for and 33 against. Next, the secretary read a communication from the South Atlantic Gulf Coast District. It was moved by Brother Boudreaux--

MR. GLADNEY: We'll have Antoine Boudreaux here and he'll explain it. I don't know.

MR. CHITTENDEN: It's stated there that there was no resolution in the minutes, it's stated here and this is an exact copy, and certainly --

MR. GLADNEY: We'll have him here and we can ask him about it. I'm not--

MR. CHITTENDEN: Yes, sir. We just wanted to know, because it --

MR. HENRY: Let me ask him a question.

THE CHAIR: Mr. Henry wants to ask one question, Mr. Cole.

BY MR. HENRY:

Q. Mr. Smith, again, do you recall -- how long have you been vice president?

A. I have been vice president since -- I was installed February 27th.

Q. And you have attended all executive board meetings since that time?

A. Yes, sir.

Q. Do you recall any time that it was brought before the executive board that you would employ Mr. Gladney and Mr. Jones as an attorney to represent this organization?

A. Well, that was brought up for Mr. Jones and whoever else the president wanted to use; that was brought up to the board at a regular meeting.

Q. Has any bill ever been brought before the executive board for Mr. Jones?

A. No, it haven't.

Q. Has any bill been brought before the executive board for Mr. Gladney?

A. Mr. Gladney?

Q. Yes.

A. No, no board has -- no bill have been brought before the executive board.

Q. No further questions.

BY THE CHAIR:

Q. Let me say this. Mr. Gladney said maybe we shouldn't divulge any of this, but we've got to; we've got to do this for the protection of the membership even though the membership -- we take it for granted that the membership did vote; just take it for granted for just a moment. We might take it for granted that the membership did vote. I know I have did it in my particular organization. We might go out and hire an attorney and get him on one case and find out that his fee is too high and get rid of him, and it's possible that if

the members of Local 1830 had of known and there had been a report to them that Mr. Gladney's fee was $3,780 to represent them in Judge E. Gordon West's court, they might have felt, "It's too high and let's get another attorney." And that is why we are interested; that is why we are concerned, because the membership does not know the expenditure that they are spending. They've got to pay Mr. Cole; they've got to pay Mr. Jones. The membership doesn't know this. Did you know this? Be honest.

A. No, I didn't know this, but --

Q. Just answer the question; did you know Mr. Gladney's fee was this high; yes or no?

A. No, but they agreed for --

Q. But that's not what I asked you. Did you know his fee was this high; yes or no?

A. No, I did not. No, I didn't.

MR. GLADNEY: Mr. Chairman, I should be entitled to explain to the Chairman that my fee --

THE CHAIR: I'm just asking -- I'm asking Mr. Smith here a question.

MR. GLADNEY: -- that I charged to the union--

MR. CHITTENDEN: Mr. Chairman, Mr. Gladney, you -- Mr. Gladney, please --

MR. GLADNEY: -- was three thousand dollars to cover myself and Mr. Jones --

MR. CHITTENDEN: Mr. Gladney, hold it -- we

don't like this thing in the record because that's a personal fee and I would like to ask the Chair to refrain from this line of questioning any more. I think it's gotten in here, the point was gotten, both sides had a chance to explain it, and I think it's repetitious again and I think we ought to go to a new line of questioning. I think that both sides had a chance to explain it. It seems to me now it's getting to be a personal issue.

MR. HENRY: We have no further questions. We are turning the witness over to Mr. Cole.

MR. COLE: If I may have the document which was entitled "Intervention" -- I believe that's the one to which there is a petition attached.

CROSS EXAMINATION

BY MR. COLE:

Q. I show you this petition addressed to the chairman of the executive council of the International Longshoremen's Association-- it has a number of signatures attached to it -- and ask you when this was done and signed.

A. Well, that was on the -- part of them -- I mean, most of them-- some of them we did on February 21st -- I mean on the 21st of July.

Q. Of July?

A. That's right.

Q. It was at least started on that day?

A. It was started, yes, sir.

Q. Do you know how long it took to finish obtaining those signatures?

A. Well, it might have took a week; it might have took three or four days; it might have took four or five days.

Q. Now, July 21, 1969, was a Monday?

A. Yes, I recall that was a Monday.

Q. Who got this -- who carried this petition around to get it signed, please?

A. Well, the two members of the local.

Q. Who were the two members?

A. Brother Antoine Boudreaux and Brother Eddie Smith.

MR. COLE: May I have the checkbook on the Bank of West Baton Rouge?

(AT THIS POINT MR. HENRY BECAME ACTING CHAIRMAN.)

BY MR. COLE:

Q. Brother Eddie Smith?

A. That's right.

Q. I show you a check stub for $132.36 for five days of work dated August 2, 1969.

A. That's it.

Q. O.K. I show you one dated August 2, 1969, to Antoine A. Boudreaux which reflects a payment on August 2nd of $127.36 representing five days work at $35 a day; that is correct, Mr. Smith?

A. Correct.

Q. Now, isn't it true that the five days work that Brother Eddie Smith and Brother Antoine Boudreaux put in and for which they were paid by this local two hundred and fifty-odd dollars was getting this petition signed to attach to -- isn't that the work they performed for the local for that pay?

A. Yes, they were working for the union.

Q. I have no further questions.

BY THE CHAIR:

Q. Mr. Smith, they was working for the union these five days --

A. Five days.

Q. -- getting this petition signed?

A. That's right.

THE CHAIR: Mr. Cole, is this the petition we are saying -- that the men are saying that Mr. Bailey --

MR. COLE: Yes, sir.

THE CHAIR: -- they agree with him that he is doing a fine job and so forth and so on?

MR. COLE: Yes, sir, that's the petition.

BY THE CHAIR:

Q. Mr. Smith, do you know whether or not when these two gentlemen were getting this petition signed, did Mr. Smith or Mr. Boudreaux read the charge to them that had been filed

by other members of Local 1830 and explain to them what the charges are before they signed anything?

MR. HOPKINS: Mr. Chairman, inasmuch as we did not permit the other people who are going to appear in this hearing to sit in here to listen to the hearing, they are sitting right outside the door and they can tell you everything that's said, so let's kind of cut our conversation down short and if not, I'll have to move them out of there, because they are sitting right against the door listening to everything that's said. I can make them move back in the hall.

THE CHAIR: Because I don't think we can talk any lower than we're doing.

A. (The witness did not reply.)

BY THE CHAIR:

Q. Mr. Smith, to get back again to the question. You said that these men were paid five days work to get this petition signed--

A. Right.

Q. -- where it says that Mr. Alton Bailey has been doing his job and he's opposed to any international or anybody else taking this organization over in receivership.

A. Right.

Q. You are telling me that we or this Local 1830 paid these men to go out and get this petition signed, five days pay; is that what you are stating?

A. That's what I stated.

Q. I ask you again and I don't want to be repeating myself, at any time do you know that the charges that had been filed against Mr. Bailey, --

A. Yes.

Q. -- that these men read the charges and asked these men before they signed whether they agreed or not with these charges, or do you know whether or not the charges was read to them?

A. Yes, the charges was read to some of them on the hill because I was down there myself, where they shape up at, and I seen Mr. Boudreaux read the charges to several fellows down there.

Q. You don't know how many or do you know how many?

A. No, I don't know how many, but he told me, I believe, that the charges was supposed to be read to all of them, but I don't know how many. All I can do is go by the ones I seen him read the charges.

Q. No further questions.

THE CHAIR: You don't have any questions, do you?

MR. COLE: No, I have no further questions.

MR. HOPKINS: Mr. Chairman, there is one question I would like to ask before we go any further. I would like to ask Mr. Smith this question.

BY MR. HOPKINS:

Q. Mr. Smith, were you a witness in Judge E. Gordon West's court?

A. I was.

Q. Do you know of any witness who appeared against the complaining group that was paid a fee for testifying in that court?

A. Any witness?

Q. Any witnesses, yes. Do you know any witnesses that were paid to testify?

MR. GLADNEY: We object to that question as being immaterial, irrelevant --

MR. HOPKINS: No, it's not irrelevant. Mr. Chairman, I want an answer from him.

MR. GLADNEY: I can tell the Chairman as a matter of fact that no witness was paid for his testimony. All the witnesses that we subpoenaed were paid within the law a witness fee and mileage for coming over there, and nobody was paid for his testimony.

MR. CHITTENDEN: Who paid that fee, Mr. Gladney?

MR. GLADNEY: The fee was charged to the union at the time-- the fee was charged to the union at the time this bill was presented to the union, which there are court costs including witness fees of $489.80.

MR. CHITTENDEN: Mr. Gladney, to follow that question, were the other men who testified in Judge Gordon West's court, were they

also paid this type of fee, to your knowledge?

MR. GLADNEY: I don't know which other men you are talking about, but the witnesses --

MR. CHITTENDEN: I'm talking about all of them for both sides. Were they all -- .

A. Well, I was not paid.

BY MR. CHITTENDEN:

Q. You were not paid?

A. No, I wasn't.

MR. HOPKINS: Let me ask. Mr. Gladney, I might ask one question of you.

MR. GLADNEY: We were required to give them with the subpoena a mileage fee and per diem which the laws requires that we give them.

MR. HOPKINS: Let me ask you one question, Mr. Gladney --

THE CHAIR: Is that $3.50?

MR. GLADNEY: No, not in federal court.

MR. HOPKINS: Do you have -- Mr. Gladney, do you have an itemized copy of the bills that you paid to each one of the fellows for coming to court; can you produce them?

MR. GLADNEY: An itemized copy of --

MR. HOPKINS: Of each individual that you paid, an itemized copy of the bill that

you paid out of this fee that you charged.

MR. GLADNEY: Nobody was paid a fee--

MR. HOPKINS: Whatever you gave them.

MR. GLADNEY: They were given a witness fee and per diem at the time the subpoena was served on them.

MR. HOPKINS: Well, do you have an itemized copy of each individual that was paid?

MR. GLADNEY: Well, the record at the courthouse would show the witnesses that were subpoenaed.

MR. CHITTENDEN: Well, maybe we'll rephrase the question for you. Did you turn in an itemized bill for the witnesses you subpoenaed and showing this mileage fee and per diem to the local; did you turn that mileage fee in or did you put it in your regular fee?

MR. GLADNEY: I did not put it in the regular fee. The charge I made to them is -- which I offer in evidence -- to Mr. Alton Bailey, legal fee for obtaining injunction against ILA, $3,000, included my fee and my co-counsel, Johnnie Jones, in court with me. The money advanced on the bond posted, $250, which is still over there in the court, and the court costs, including witness fees, from June 5th, '69, to July 1st, '69, of $489.80. And that can be itemized at any time.

MR. HOPKINS: I know our attorney -- let me ask you this -- our attorney, when he presents a bill to us, either to the district or my local organization when he does work

for us, his bill, when he comes into our office, is itemized; so much for telephone bill, so much for telegrams, and so much for thus and so and so and we pay him accordingly. We try to find out-- since the local had to pay for this, did you submit an itemized bill to the local showing them what you did with this money that you had to pay these fellows?

MR. GLADNEY: I submitted a list of witnesses--

MR. HOPKINS: That's not what I'm asking you; I'm asking you did you submit an itemized bill --

MR. GLADNEY: I submitted --

MR. HOPKINS: -- of who you paid?

MR. GLADNEY: I submitted the bill which I will put in evidence -- in fact, I'll offer it right now if you want me to.

MR. HOPKINS: May I see the bill?

MR. GLADNEY: I would like to have this bill offered in evidence and marked "Respondent No. 11."

THE CHAIR: Mr. Cole, do you --

MR. COLE: I have no further questions.

MR. CHITTENDEN: I think the witness is excused.

WITNESS EXCUSED AT 9:02 P.M.

(MR. HOPKINS RESUMED THE CHAIR AT THIS POINT.)

MR. GLADNEY: Mr. Antoine Boudreaux will be our next witness.

THE WITNESS, ANTOINE R. BOUDREAUX, AFTER HAVING FIRST BEEN DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP HIM GOD, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. GLADNEY:

Q. Now, Mr. Antoine Boudreaux, state your name and address.

A. Antoine R. Boudreaux, 2060 Cunard, Baton Rouge.-- Avenue.

Q. What status do you have with Local Union 1830 of I.L.A.?

A. I am only a member.

Q. How long have you been with this union?

A. I helped organize it. Since 1955.

Q. I show you the original minutes from May 19, 1969, made by Edison Jones with regard to a motion which you offered at the meeting and it refers to a resolution that is not attached to it. Could you explain to this committee, after reading these minutes, what that motion was about and what the resolution included so they will understand it?

A. You want me to read this out to --

Q. Just the part about that motion that you made which refers to a resolution that is not attached to those minutes. After reading that to you to refresh your memory, can you tell us from your memory what the substance of the resolution that was offered

by you at that time but was voted down?

A. Moved by Brother A. Boudreaux and seconded by Brother Leroy Smith, A. Williams, J. Forrest, J. A. Chatman, that we send two delegates to the convention.

Q. Did you make another motion with regard to a resolution that's not attached to the minutes?

A. Yes, I made a resolution -- brought a resolution to lower the joining fee -- I think that's about right-- to $150.

Q. And that --

A. That resolution was voted down.

Q. Does that refer to a resolution attached which is not attached to those minutes?

A. I don't see anything on here that say it is attached or not.

MR. GLADNEY: I'd like just to clear up the question we have here on those minutes.

THE CHAIR: I understand.

BY MR. GLADNEY:

Q. I show you the minute book prepared by Secretary Jones showing minutes on May 19, 1969, and it's supposed to have in here a motion by you to adopt a resolution which is supposed to be attached, and we want the committee to know what that resolution referred to if you can remember of your own knowledge.

A. To the best of my knowledge that resolu-

tion was to lower the joining fee from $500 to $150.

MR. CHITTENDEN: That will be sufficient, Mr. Gladney.

BY THE CHAIR:

Q. That was the resolution?

A. That was the resolution.

BY MR. GLADNEY:

Q. And in the original minutes it was clear; in other words, it didn't refer to a resolution attached in the original minutes here?

A. It should be in the original minutes.

BY THE CHAIR:

Q. Brother Boudreaux, was that resolution passed?

A. No, it did not pass.

MR. CHITTENDEN: No, 18 to 32 against.

BY MR. GLADNEY:

Q. Now, did you attend a meeting of the I.L.A. Local 1830 on June 16, 1969?

A. Yes, I did.

Q. I show you exhibit marked "Respondent No. 8" and "Respondent No. 9" and "Respondent No. 10," and ask you who prepared or wrote that document here?

A. This document here?

Q. Yes.

A. I wrote that.

Q. Is that a carbon copy of the original of the same document which I hold in my hand?

A. That is a carbon copy.

Q. Now, why did you write -- what is it, first; explain what the document is before you --

A. This was -- this was the minutes of our membership meeting.

Q. Explain how it happened that you wrote them or prepared them.

A. On the membership meeting on all of our meeting nights according to the constitution, the executive board will have their meeting at seven o'clock P.M., and after the seven o'clock P.M. meeting, the membership meeting starts at eight o'clock. The recording secretary wasn't there for seven and he wasn't there for eight o'clock, so the president asked me to take the minutes and I did. These are the minutes.

Q. Had that situation ever occurred before when the legally elected recording secretary was not there?

A. All through the 13 or 14 years that we have been organized, that's a general practice that the president would do, get one when the regular recording secretary wasn't there.

BY MR. HENRY:

Q. Can I ask you a question, Mr. Boudreaux; have you ever taken minutes in the 14 years or the 13 years that you've referred to before this night?

A. Have I ever taken the minutes?

Q. Yes.

A. I was the recording secretary from about 1955 to 1959.

Q. Have you ever taken the minutes since you were not elected recording secretary before this time?

A. No.

Q. O.K.

BY MR. GLADNEY:

Q. I show you also "Respondent No. 9," which is attached to these minutes, and ask you to explain what this document is, Respondent No. 9," and how does it relate to the minutes?

A. This is a resolution that I drew up after the international had taken the local under trusteeship for a few days, then at our regular meeting I drew up this resolution. May I read it?

MR. HENRY: We are familiar with it.

THE CHAIR: We've heard the resolution about 10 times today, Brother Boudreaux.

A. Oh, but it sounds so much better if I read it.

THE CHAIR: No, I don't think it's necessary. It's too much time consuming.

BY MR. HENRY:

Q. Tell us what it contains.

A. It is to keep the international from taking this local over and --

BY MR. GLADNEY:

Q. By what procedure?

A. -- and to stop and prevent the action of the I.L.A. in coming in without their legal reasons.

Q. What is the next paragraph?

BY MR. CHITTENDEN:

Q. The word you've got in there is invalid, isn't it?

A. Well, it was invalid at that time.

Q. I just wanted to ask if you --

A. Yes, that was -- that was invalid --

Q. -- I only wanted to know whether you knew your own resolution.

A. Yes, it was invalid at that time.

BY MR. HENRY:

Q. It's legal now, though?

A. Huh?

Q. It's invalid at this time?

A. Well, now that -- it seems like you all are coming in to take-- it looks like you are gentlemens and want to do the right thing and I believe that you are going to do the right thing. I don't think that you --

THE CHAIR: Well, that's all right, we aren't going into all that; let's get through with this thing.

A. Thank you, Mr. Chairman. The other paragraph, it was to pay all the expense, the attorney fee and what have you, and give our president the power to go on and continue operating as he had operated before.

BY MR. GLADNEY:

Q. In regard to what suit?

A. In regard to this suit brought by the duly elected president, Alton J. Bailey, and duly elected vice president, Leroy Smith, against Brother George Dixon of 69-109, on the docket of the United States District Court, and the local further authorizes the president to prosecute this suit to fully protect the interest of the local and its officers and members.

Q. Now, Mr. Boudreaux, was that resolution passed at that meeting?

A. That resolution was passed.

Q. Can you tell us from the minutes what was the vote on that resolution?

A. It was 50 for and 6 against.

BY THE CHAIR:

Q. Mr. Boudreaux, do you know how many members were at that meeting?

A. Do I know how many members was there?

Q. Was at the meeting?

A. At the meeting? I presume it must have been about 56 members.

Q. Thank you.

BY MR. GLADNEY:

Q. Now, Mr. Boudreaux, I show you this document which is offered in evidence as "Respondent No. 10," which refers to resolution number two, and ask you to tell us what that document is and how it relates to the minutes of that meeting on that date.

A. This is a resolution by Mr. -- Brother Ernest Davis whereas the financial secretary and treasurer, Brother Mark L. Young has failed to perform the duties of his office as required by the constitution and by-laws of Local 1830 I.L.A. by refusing to comply with the previous -- with the provisions --

THE CHAIR: Mr. Boudreaux and Mr. Gladney, that's only repetitious. We have heard that resolution; we know the contents of the resolution; the resolution was introduced prior to the time we had the hearing in Judge Gordon West's court, and since that time it has been proven that Mr. Young is carrying out his duties. In other words, being only repetitious of

the thing, I don't think we are going to hear that resolution read. We've heard it about five times tonight from everybody that come in.

MR. GLADNEY: We take issue with Mr. Chairman on that point because this resolution was passed before Judge West had his hearing, before he made any comments to Mark Young about doing his duties, and before --

THE CHAIR: We're saying this, Mr. Gladney. Prior to the time we had the hearing in Judge Gordon West's court, Mr. Young admitted on the stand what he had been doing and what he had not been doing and the judge ordered him to do certain things. And Mr. Young stated tonight on the stand that since that time he did not want to get held in contempt of court and he decided to do everything the judge asked him to do.

MR. GLADNEY: Right.

THE CHAIR: So this is prior to the time.

MR. GLADNEY: Right. We are not talking about what the judge said; we're talking about what happened --

THE CHAIR: So the only thing we are interested in is knowing whether or not the local is functioning like it ought to be functioning now. As Mr. Chittenden and Mr. Henry told you, we are not in here to harm anybody, but we want to see whether the local is functioning right or whether or not it is not so we will know what kind of recommendation to make to our people.

MR. GLADNEY: Well, we'll get into that, too,

for you; we surely will, but we also want to get into these charges you brought against Mr. Bailey. We've got a right --

THE CHAIR: You've got that in evidence here about five times, Mr. Gladney. We are not going to sit here and listen to you all night.

BY MR. GLADNEY:

Q. Now, this resolution just referred to as number two, was that passed by the membership on --

A. That was passed by the membership.

Q. Yes, sir. What was the vote on it?

A. That was 43 for, 43, and 6 against.

BY THE CHAIR:

Q. Mr. Boudreaux, I again ask you how many members were at the meeting that night?

A. That night it was 56 members about.

Q. About; I'll ask you how many members were at the meeting that night.

A. About 56 members.

Q. Do you have any records at all to prove that there were 56 members at the meeting that night; do you have anything to go on since you are the only man that's been on the stand tonight can tell us how many people were in the meeting?

A: There was 56 members there.

Q. And you have nothing to prove it. All right.

BY MR. CHITTENDEN:

Q. Mr. Boudreaux, did anybody abstain from voting that night?

A. Yes.

Q. Do you know about how many?

A. It seems like it was one member.

Q. One member?

A. Yes.

Q. You said -- did you state just now it was 43 against 6?

A. 43 against 6.

Q. And one, that makes 50. What happened to the other six members?

A. I guess they didn't vote.

Q. O.K.

MR. HENRY: Mr. Chairman, I'm confused.

THE CHAIR: I know you are; I am, too.

BY MR. HENRY:

Q. Mr. Boudreaux, the resolutions you are referring to there, the first one you said you introduced?

A. Yes.

Q. Is that the night that the recording secretary was late?

A. That's the night the recording secretary was late.

Q. And you was acting as recording secretary?

A. That's correct.

Q. Then you left your seat as recording secretary to introduce a resolution?

A. No, I did not leave my seat. I got up and read the resolution.

Q. That you were presenting; it was your resolution?

A. That I was presenting. I read the resolution.

Q. And then you also acting as secretary, you made the motion to pass this particular resolution?

A. I made the motion to pass the resolution.

Q. Thank you.

BY THE CHAIR:

Q. Mr. Boudreaux, let me ask you something. On the meeting of June 16th, you've just stated that prior -- one hour prior to each meeting there is an executive board meeting of the local.

A. That's right.

Q. Was there a meeting on June 16th of the executive board?

A. No.

Q. Was there a meeting on August 4th of the executive board?

A. I don't know.

Q. How can you remember one and don't remember the other one?

A. Because I've got it right in front of me.

Q. But you don't know whether they had one on August 4th. But you just stated prior to every meeting there is an executive board meeting.

A. No, I did not say that. No, no, I said that is the hour for the executive board meeting at seven o'clock. I didn't say they had a meeting--

Q. I didn't say you said one but you said-- I never said you had one at all, but you said one hour prior to the regular board meeting you have an executive board meeting.

A. That is the executive board meeting time, seven P.M.

Q. And you don't know if they had one on August 4th?

A. They did not have one on August 4th.

Q. They did not?

A. No.

Q. Can you tell me the reason they didn't have one?

A. Because the executive board members did not come out.

Q. Who are the executive board members, Mr. Boudreaux?

A. I don't know all of them.

Q. How many members constitute the board?

A. How many members constitute the board?

Q. Yes, your board I'm talking about.

A. My board? I don't have no board.

Q. You know what I'm talking about --

MR. CHITTENDEN: Local 1830.

BY THE CHAIR:

Q. -- 1830; you know exactly what I'm talking about. How many members in your constitution constitute the board? Here's your constitution.

A. I think it is one-third of the membership of the executive board.

Q. How many members constitute that executive board?

A. One-third of the executive board members.

BY MR. HENRY:

Q. No, he means -- Mr. Boudreaux, whether you mean 10, 12, 14 --

BY THE CHAIR:

Q. Is it 12 members on the board; is it 15

members on the board; is it 20 members; that's what --

A. We have always -- we have always had in the past when I was an executive board member and vice president, seven members would constitute a quorum.

Q. It's not a quorum, Mr. Boudreaux. Mr. Boudreaux, how many members of your organization that is members of the executibe board?

A. How many members?

Q. Yes.

A. Seventeen.

Q. That's what I asked you. How many members does it take to make a quorum?

A. All through the years it was seven.

Q. Not all -- is it seven now?

A. I presume so.

Q. And it wasn't seven members present at that meeting on August 4th?

A. It wasn't seven members present on August 4th. They were all outside; they would not come in.

Q. Oh, now you're getting around -- why didn't they come in, Mr. Boudreaux?

A. You would have to ask them that because I don't know.

Q. You were there. You were there. There

were certain reasons they didn't come in. Why?

A. I don't know.

Q. We want you to state to this committee why.

A. I don't know why.

MR. GLADNEY: This witness cannot possibly legally be called on to read the minds of these other members. They would have to be called --

THE CHAIR: I think he knows why, Mr. Gladney.

A. I don't know why.

MR. CHITTENDEN: Mr. Gladney, let the witness -- just object and let the witness answer the question.

THE CHAIR: Yes, let the witness -- don't lead him.

A. He don't have to lead me there; I still don't know why. There's no leading there; I don't know why.

BY THE CHAIR:

Q. Was there any dessension in the meeting the night of August 4th as to why these fellows didn't enter in the hall?

A. In the meeting of August 4th?

Q. Yes.

A. There was not any dissension in the meeting of August 4th.

Q. And there wasn't any reason for the members of the executive board not being present, is that right?

A. I don't ever remember at any time that they ever was any reason for any executive board member to come to a meeting to see about their local; never.

Q. They don't come?

A. They should -- they are the ones that should come out to the meetings.

Q. What are the duties of the executive board of the Local 1830?

A. The executive board is the highest governing body of the local between meetings. Now, whatever come up between their meetings, I think they should take care of it and then propose that to the membership.

Q. You've answered my question. Thank you. I'm through.

BY MR.CHITTENDEN:

Q. Mr. Boudreaux, we would like to know -- they have a check in the book signed stating it was given to you for certain services performed. What services did you perform for that check?

A. It was a petition that was brought up by the members and that I took the petition on out and had it signed by the members. And that it was a resolution that was drawn up and all through the years under the past president that at any time that a man would work for the organization, that he was supposed to get the rate of

pay per day. Now, right after that that was also passed again by the new elected president, Mr. Bailey.

Q. I think you made the statement in the beginning that you prepared that resolution if I remember correctly.

A. That petition was drawn up and I read that petition to the members.

Q. Did you draw up that resolution?

A. I was in on it.

MR. GLADNEY: Mr. Chittenden, are you talking about a resolution or a petition?

A. Petition.

MR. CHITTENDEN: The petition that he is speaking of. He stated a resolution; whatever it is.

A. It was a petition.

BY MR. CHITTENDEN:

Q. Petition, You did--if I remember correctly, in the beginning you stated that you did draft that petition.

A. I was in on drafting the petition.

Q. Now, tell me this. This petition you are speaking about, it was signed on the docks; was it also signed in the meetings also?

A. It was signed in a meeting that night by approximately 38 members, I believe.

Q. And --

A. I would say about 38.

Q. Now, was the petition read to the men telling them why they were signing this petition?

A. At every time. Every man that signed the petition, I read it to them.

Q. Now, altogether how many -- to your knowledge how many signatures did you have on that petition?

A. 119.

Q. Were those all bonafide union members?

A. To the best of my knowledge, yes.

Q. Do you have a lot of permit -- it was stated a while ago and we'll state to you that --

A. No permit members signed the petition.

Q. -- there was about 80-some-odd men that's out there working on permits or just working out there. We just want to know, because as far as we are concerned, the petition is invalid if it is not a bonafide union member.

A. Those are all bonafide members. No petition members signed the petition.

BY MR. GLADNEY:

Q. You said petition; do you mean permit?

A. I mean permit. No permit members signed

the petition. Not any.

MR. HENRY: Mr. Chairman, I would like to ask Mr. Boudreaux --

BY MR. HENRY:

Q. -- you said you was a part of signing this -- of drawing up this petition?

A. I was part of it.

Q. What did the petition say; what was it about?

A. This was to show to the international that the majority of the members was in accord and were satisfied with the way that Mr. Bailey is conducting the business of this local; that we are satisfied with the way that Mr. Bailey is conducting the local and that we did not see any reason why that the international would come in and take us over in a trusteeship.

Q. You hold your meetings on a Monday night?

A. On the first and third Monday nights.

Q. And you said at that meeting that Monday approximately 38 men signed that petition in that meeting?

A. Approximately 38 members signed that petition in the meeting.

Q. And then you taken that petition, you say, out on the docks?

A. On the docks and to their homes.

Q. And you got the other signed -- how long

did it take you to get them signed, do you have any idea?

A. Five days.

Q. You mean five days after Monday night?

A. Five days after Monday night.

BY THE CHAIR:

Q. How many men did you say signed it?

A. 119.

MR. CHITTENDEN: He said 119.

THE CHAIR: It took five days.

BY MR. HENRY:

Q. Who gave you the petition asking you to get it signed?

A. The members.

Q. No, no, just a minute now. You tell me the members gave it to you when; how could the members give it to you? I want you to tell us.

A. On that Monday night.

Q. Some motion was made in the meeting --

A. A motion was -- that's right.

Q. -- and the record will show that the membership voted that you and whoever else went with you would go out and get this petition signed?

A. Would go out and get the petition signed.

Q. Did you -- the minutes of that meeting will show that?

A. If the recording secretary took the minutes and if he inserted that in the minutes, it's in there.

BY THE CHAIR:

Q. May I ask what meeting night they voted to do that?

A. That was the meeting night of August 4th, I think.

Q. August 4th.

BY MR. HENRY:

Q. And then you went out there on the 5th, 6th, 7th and 8th--

THE CHAIR: Wait just a minute; wait just a minute.

BY THE CHAIR:

Q. Mr. Boudreaux, you said that was the meeting night of August 4th?

A. Was it August 4th that meeting?

Q. I'm asking you.

A. I think it was thereabout, August --

Q. It ought to be -- I want you to be --

A. No, it was our second meeting.

Q. In August?

A. In August. Is that right?

Q. Mr. Boudreaux, might I ask you--

MR. GLADNEY: Here, I'll give you the petition.

THE CHAIR: Well, wait, let me get through, Mr. Gladney; let me get through with the witness.

MR. CHITTENDEN: Mr. Gladney, for your information, --

BY THE CHAIR:

Q. Wait a minute, Boudreaux, --

MR. CHITTENDEN: -- and also Mr. Boudreaux's information, and also for Mr. Bailey's information, when we question a witness, we don't expect you to run out there and hand him anything. We are asking him.

MR. GLADNEY: He has a right to refresh his memory about it.

MR. CHITTENDEN: No, he doesn't.

THE CHAIR: We'll refresh his memory, not you.

MR. CHITTENDEN: We'll ask those questions--

THE CHAIR: We're the committee over here, and if he is concerned-- if he is not too sure about the dates, he should tell us that he is not too sure about the dates, and --

MR. GLADNEY: I beg your pardon. I beg your pardon.

THE CHAIR: -- anything we can do to help to

refresh his memory we'll do so, because we want to give you those papers back that you have there --

A. Well, I would go that far that I am not too sure about the date.

BY THE CHAIR:

Q. You are not too sure about the date?

A. No.

Q. But you did state a few minutes ago that it was August 4th?

A. I thought it was August 4th.

Q. You thought. I know you better than that; you can remember better. Let me ask you this. What --

A. Oh, I know now.

Q. -- time did the session -- what time did the session --

A. Mr. Chairman, I know now the date if you want me to tell you the exact date.

Q. All right.

A. July 21st.

MR. HENRY: Because the lawyer just gave it to you --

THE CHAIR: The lawyer just gave it to you.

MR. HENRY: -- in writing so you could see it.

A. I know it -- I object --

BY THE CHAIR:

Q. No, you didn't because I'm looking at the checkbook here and I couldn't understand why did you do the work on August 4th and got paid on August 2nd. This checkbook revealed here that you got paid on August 2nd and I couldn't understand how you got the petition signed on August 4th and got paid before you carried the petition out.

A. My memory is not so good.

Q. It's better than you think it is.

BY MR. CHITTENDEN:

Q. Let's try this one from memory. How many petitions were there; how many petitions were there; was there one or two petitions?

A. One.

Q. One petition?

A. One petition.

Q. Let's try another one from memory. How many men took that petition around?

A. Two of us.

Q. Why would it take two grown men to take a petition around at twice the amount of money? The petition is drafted by you all and you go out there and each one of you -- it takes two men or the equivalent of $64 a day to go out there and get a petition signed in five days, when I know -- of course, I know that to send it to AF of L-- you remember I was one of them that

helped organize and put the locals into effect, too -- that you could have gotten it signed on the hill or not signed on the hill in one hour one morning, so we just were wondering why it took two men, one petition, five days.

A. That is a good question. We have men out on the dock that will get under an automobile and sign the petition; they are just that scared. They will not sign a petition out on the dock. They will tell you to come at home or go somewhere and hide behind a tree. They are just that scared of their jobs.

Q. That answers my question.

A. Does that answer your question? Thank you.

BY THE CHAIR:

Q. Let me ask you something -- Mr. Boudreaux, let me ask you one question and then I'm through with you. Do you think it's fair -- and you've been a member of the local you say ever since it was set up --

A. I helped set it up, sir.

Q. I know you did. Do you think it's fair, and I'm sure you don't, --

A. You are not me.

Q. -- do you think it is fair to your membership for them to have to pay out $320 to get 130 men to sign a petition?

A. You asked me a very, very good question. I don't think that anything is too high to keep your local in the membership's

hands. No money is great enough to keep your local in the membership's hands.

Q. Do the membership know they paid this money out?

A. Do the membership know it?-

Q. Yes.

A. Well, I think --

Q. Has a report been made to the membership of this expenditure?

A. That report should be made with the financial secretary. Did he make a report?

Q. Not to us; we're not asking for no report. I'm just asking you -- I asked you as a member of your local-- I asked you as a member of your local whether or not that the officers of the local had made this report to the local that it cost them $320 to get this petition signed?

A. We have not had a financial report from the financial secretary in over a year or longer than that.

Q. Over a year?

A. Over a year. Over a year.

Q. Wait just a minute, let me ask one question. You mean to tell me that the present officers was installed as officers of this local in February --

A. Right.

Q. -- and this is August, and they haven't

seen fit to make a report to the membership of that local?

A. What the financial secretary tells me, that the books are being audited, that they have no books to make a report.

BY MR. CHITTENDEN:

Q. Mr. Boudreaux, on the bills -- forget about the audit thing -- is the bills read out to your membership meeting on meeting nights, the presentation of your bills to be voted on to be paid or not paid?

A. That is a custom that since 1955 it has never beendone.

Q. No bills are presented to your membership meeting to be paid?

A. Since 1955 no bills have ever been presented to the membership.

Q. Don't you think that's wrong that no one -- now, I'm not just saying this -- that no one comes --

A. I think that you gentlemens -- I think that you gentlemens and I have tried from time to time to bring--

Q. Mr. Boudreaux, --

A. Wait, you asked me a question and I would like to answer it.

Q. No, you are not answering me my question. You are answering my --

A. Yes, I am.

Q. No, you are not. You are answering me a question with a question and things like that.

A. That's the only way I can answer that question because--

Q. I know what you are going to say.

A. -- I tried to get you here.

Q. Mr. Boudreaux, your statement on one hand is that you tried by any means to keep the organization in the membership's hands and I for one know many, many times you tried to take it out of the organization's hands. Now, you came to me many times and tried to take it out of the organization's hands, but that's irrelevant to this particular individual case.

A. I would like -- that question that you asked --

Q. Answer my question.

A. -- wait a minute, that question that I -- that you say that I went to you to take the local out of the membership's hands, tell me when and where that I ever asked you --

Q. That's irrelevant to this particular case.

A. -- to take the local out of the membership's hands. I'm asking you --

Q. Many times --

A. Wait a minute, you accuse me of --

THE CHAIR: Wait a minute, Mr. Boudreaux --

A. --that I went to you and asked you --

THE CHAIR: Mr. Boudreaux.

BY MR. CHITTENDEN:

Q. Mr. Boudreaux, you answer the question. I told you --

THE CHAIR: Answer the question. We don't want to go into --

BY MR. CHITTENDE

Q. -- that you came to me many times and I told you it was irrelevant. The case is this, I'm saying to you --

A. But you have also said what I went up and asked you.

Q. Right. Right, but the case is this; you made --

A. So it must not be right.

Q. -- that statement about going to any length to keep it in the organization's hands. Now, that's fine. But you answer the questions we ask you and not answer us with a question. We are asking you questions; you answer, because you can't give us the answers necessarily we want by you asking a question. So if we ask you a question, answer it, because through your answers sincerely and honest we can decide what is the right portion of this case. But if you are going to be vague and try to answer the question with a question by trying to play lawyer on that side of the field -- we've got four lawyers here and that's plenty enough -- we are asking lay-

men here now to give us the truth, and if you are vague of the issue when you know the truth, we are trying to get at it, and if we can't get the truth --

A. Mr. Vice President, --

Q. -- we are going to vote and rule on what we hear and if you don't tell us, it may not be to your liking.

A. Mr. Vice President, if you ask me a vague question, I have to give you a vague answer.

Q. I'm not asking -- the Chairman asked you a question and you didn't answer it, not me.

BY THE CHAIR:

Q. Mr. Boudreaux, on reporting to the membership -- this is my last question I'm going to pose to you -- on your finance committee and knowing well that you keep up with the constitution of your local-- on the finance committee of your local they have certain duties to perform and it is stipulated here in your constitution on page 17, article 10, that their duties are to examine the books of the officers, make quarterly reports, and check the money and report it to the membership each quarter. Now, are you telling this committee that the finance committee has not made a report to the membership since February, and nobody has said nothing about it; is that what you are telling me?

A. I didn't say that.

Q. But you said the secretary said that --

A. I said since 1955 we've never had a report.

Q. No, we're talking about this year; we're talking about this year, Mr. -- we're talking about your constitution, Mr. Boudreaux.

A. Yes. I have taken that constitution with the signature of about 70 or 75 members to President Bradley with --

Q. Mr. Boudreaux, President Bradley is not president of the local --

A. I know --

Q. Wait just a minute; wait just a minute. Why don't you answer the question direct?

A. I'm answering it--

Q. Wait just a minute. The question is I asked you -- and Bradley hasn't been president in 8 or 9 years --

A. That's right.

Q. -- I'm asking you since February of this year, 1969, are you telling me that the finance committee has not made a report to the local and the local hasn't questioned the finance committee as to why they haven't made a report; is that what you are telling me?

A. That's right. Yes.

Q. I'm through with you. That's all I wanted to know.

BY MR. HENRY:

Q. I have one last question, Mr. Boudreaux. I'm concerned about the petition that you

say you've taken on the docks and got signed -- 38 men had read and signed it on that meeting night and then you went out and got the others signed. Now, I understand there was two of you getting these petitions -- these signatures, you and another member of the organization. Did you all split your petition up and the other brother had some getting signed and you had some getting signed, or did both of you go side by side to get them signed?

A. We both went side by side.

Q. I asked you how did you get to go about -- to get that petition; was you assigned that duty by the president or any officers; and I understand that you say that the membership that night made a motion that you and the other brother would be appointed?

A. No, that two members would go out and get the petition signed.

Q. That's what the membership said?

A. Yes.

Q. Who selected the two members?

A. The president selected the two members.

Q. Are you a member of Local 1830 in good standing now?

A. I have always been in good standing.

Q. Are you a working man now on the docks?

A. Why, sure, I'm a working man.

Q. I'm not trying to be funny about it. I

mean, you are working presently; you are working to make your living on the waterfront now, today, or last week, or last month?

A. Week before last, yes, I worked; approximately three weeks or four weeks ago I worked.

Q. You worked just one day in three or four weeks you're telling me?

A. That's the way they hired me.

Q. The other brother who went out there to get these signatures, is he a working man now on the docks?

A. He's a working man now on the docks.

Q. Brother Smith I understand it is?

A. Yes, Eddie Smith. He's now working there on the docks.

Q. Isn't he --

A. He was then.

Q. -- isn't he a retired man?

A. Oh, no. You've got the wrong Smith.

Q. No, I don't; I don't think I have the wrong Smith.

A. Oh yes, you have. You are thinking about -- you are thinking about W. H. Smith, but this was Eddie Smith.

Q. Eddie Smith. He works every day?

A. Every day, all the time.

Q. Was he working during the time he got this petition signed?

A. I think he could have worked.

Q. Was he working I asked you.

A. Well, he couldn't have been working and had the petition signed, too; that doesn't make sense.

Q. He could have ~~if~~ we checked the records. If he was being paid a day's work and he went out there that morning and got them signed and he worked that day and the records will show he worked that day, we could check the records.

A. Well, he wasn't working during the time he was having -- we were having the petition signed.

Q. You and he both is regularly employed but you took the week off to go and get a -- five days off to go and get these signatures signed, is that correct?

A. I did not take the week off. I was up there to shape up and they didn't shape me up and they haven't shaped me up in a whole lot of times because the jobs that I want, they won't give them to me. And the others that they want to give me, I can't do them.

Q. Yes, but Brother Smith, you tell me he works regularly?

A. He works.

Q. The records will show he works regular?

A. The records will show that he works --

Q. Do you know if he worked during that period that he --

A. No, he did not --

Q. -- got five days pay from the union?

A. -- he did not work during that period.

Q. No further questions.

THE CHAIR: Mr. Cole, do you want to question the witness?

MR. GLADNEY: I'm not through with him yet; you took him away from me.

THE CHAIR: You're not through with him?

MR. GLADNEY: No, sir.

THE CHAIR: No, you were eased up there showing him some petitions where you was trying to refresh his memory.

MR. GLADNEY: That was while you were questioning, Mr. Chairman.

BY MR. GLADNEY:

Q. I want to ask you if another motion was made at this meeting on June 16th in regard to initiation fee?

A. Yes, a motion by Brother A. Boudreaux that the initiation fee would be reduced from $500 to $200. The motion was carried.

Q. Now, can you explain this to me --

BY MR. HENRY:

Q. Excuse me just a minute. You said from how much the motion was?

A. From $500 to $200.

Q. Now, you testified before and said that it was reduced from 500, I think, to 150. I think if the record --

A. No, it wasn't reduced. That resolution did not pass in that meeting.

Q. I apologize.

BY MR. GLADNEY:

Q. On this motion how -- what was the result of that motion?

A. That motion was 38 for and 1 opposed.

Q. Now, can you explain to this committee why you proposed that motion; how did it come about?

A. I proposed this motion because in 1939-- 1959 our dues was raised from $60 to $200.

BY THE CHAIR:

Q. The dues?

A. Our joining fee was raised from -- pardon me, our joining fee was raised from $60 to $200. After 1959 a resolution was brought up again -- no, it was -- a motion was brought up or made up at that time that the joining fee would be $500.

BY MR. GLADNEY:

Q. When was that first brought up, about 1962?

A. That was about 1962, '60 or '62, thereabouts. We have petitioned the international about this was an illegal joining fee because no notice had been sent out according to the Landrum-Griffin Bill to notify the members for the purpose of raising the joining fee and that was on the motion and carried by the executive board. When we got at the meeting, there it was, so we have always regarded that $500 as being illegal.

BY THE CHAIR:

Q. Mr. Boudreaux, you stated in 1959 or somewhere thereabouts that when the proposed raise from 250 or whatever it was to $500, the objection was because it had not -- didn't comply with the Landrum-Griffin Act because the proper notices had not been sent out?

A. Sorry, sir, I didn't say --

Q. Well, what did you say?

A. In '59 --

Q. I said thereabouts, forget about the year.

A. Well, that's -- you say '59. In 1959 we did not have the Landrum and Griffin Bill--

Q. Well, I said -- whatever it was; just forget about the year.

A. All right.

Q. You said that's why you objected to it?

A. That's why I objected to it.

Q. Because the proper notices had not been sent out --

A. That's right.

Q. --you objected to it being raised from 250 to $500?

A. That's right, from $200.

Q. Under the Landrum-Griffin Act did you not or did the local send out a notice -- this thing works both ways -- to the membership of the reduction of initiation fee under the Landrum-Griffin?

A. Did you say for -- pertaining to a reduction?

Q. Did you send out a notice?

A. No, we did not send out the notice.

Q. Did you send out a notice -- it was a special meeting -- did you send out a notice that a special meeting for this purpose was going to be called to each and every member or post a notice on the board to let them know that this resolution was coming up; under the Landrum-Griffin Act were they notified?

A. We have always figured --

Q. Yes or no, Mr. Boudreaux.

A. We have always figured that $200 was a legal joining fee.

Q. I asked you to say yes or no; did you send

out the notice?

A. No.

MR. GLADNEY: Answer his question and then they'll let you explain it. Now explain your answer.

THE CHAIR: Wait just a minute, let me -- I'll ask my question. You let me do a little talking to him.

A. No, we --

MR. GLADNEY: He should have the opportunity--

A. -- did not send out notices.

BY THE CHAIR:

Q. What I am trying to say is if the Landrum-Griffin will work one way, it works both ways. So if he objected to it because the notice hasn't been sent out, then he is not objecting to it to cut down under the Landrum-Griffin. The law applies both ways, Mr. Boudreaux.

A. I don't know about the law applying in lowering --

Q. You know enough about it --

A. -- I don't know about the law applying in lowering the joining fee or the dues.

Q. Under the Labor Management Reporting Act it is stipulated in your dues what the joining fees is. The only way -- that's a constitution change; if you are going to change your dues from $500 to $200, that's a constitutional change. And under the

Landrum-Griffin Act it so states that any constitutional change that is made within your organization has to be done by a secret ballot with --

A. Mr. --

Q. -- wait just a minute -- with every member being notified at his last known address, and the purpose of the changing of the constitution, and the date of the vote on the constitution, and that was not done in this case.

A. Mr. Chairman, in answer to your question, we have never thought that this $500 joining fee was --

Q. I'm not questioning that, Brother Boudreaux.

A. -- legal, so we didn't feel as though it was necessary to go to the Landrum-Griffin Bill to bring it back to where it was legal.

Q. But you said -- you just objected to it under the Landrum-Griffin.

MR. HENRY: I would like to ask a question to Brother Boudreaux along those lines.

BY MR. HENRY:

Q. You said it was $200 and then they raised it to $500?

A. That's right.

Q. When was it $200?

A. In 1959, thereabouts.

Q. And when did they raise it to $500?

A. In-- well, now I know in 1962, but it was after the law went into effect.

Q. When did they lower it from $500 to what it is now --

A. $200.

Q. -- back to $200; --

A. Yes.

Q. -- when did they do that?

A. About three weeks ago or four weeks ago.

MR. GLADNEY: Give him the date off of the thing.

MR. HENRY: I'm satisfied with his answer; he said about three weeks ago.

BY MR. HENRY:

Q. During this period when it was $200 and they raised it to $500 from '62, you said, up until three weeks ago?

A. From $60 -- no, from $60 -- first it was 50, then it was raised to $60, and from 60 to $200, and from $200 to $500.

Q. During the time they raised it from $200 in 1962 to $500 and then you say that wasn't fair, that was too much, --

A. Right.

Q. -- in between '62 and the present time have you been an officer --

A. I was.

Q. -- of Local 1830?

A. That -- yes.

Q. Have you been vice president --

A. Yes.

Q. -- of Local 1830?

A. Yes.

Q. While you were vice president of 1830, did you think it was too much at that time to raise your voice?

A. Yes. Yes.

Q. And nothing was done about it?

A. You all have some communication concerning that. You all have some communication concerning that. I have some reports of that.

Q. Mr. Boudreaux, --

A. And what did you all do?

Q. Mr. Boudreaux, --

THE CHAIR: We are supposed to ask the questions here. If you don't know --

BY MR. HENRY:

Q. Mr. Boudreaux, you said you've been here since the beginning, and I come up here and helped to set it up--

A. Right.

Q. -- along with Brother Chittenden.

A. Right.

Q. We know all about this, this port -- you're talking about the Port of Baton Rouge is concerned and we are trying to straighten out if something is wrong. We are not blaming you or anybody for it. If something is wrong, we want to know what it is.

A. Mr. Chittenden, I went in your office and talked with you --

Q. I'm not Mr. Chittenden.

A. Mr. Henry and Mr. Chittenden, I went in both of your offices and talked with you about this $500.

Q. It was always around election time when you came to me, Brother Boudreaux.

A. No, it was before election time when I went to you.

Q. Well, just when you was running for office, I mean, you know.

A. No, it was before election time. And I did go to you, too, for election time, but you have always come down here and defeated me. You have elected Netter here the -- two of the times that I ran. I should shoot you.

BY THE CHAIR:

Q. Mr. Boudreaux, let me ask you a question. Why was the dues raised to $500?

MR. HENRY: Mr. Chairman, you ain't finished, but I'm sorry, he said something that come close to my heart.

A. It's a lot closer than that to my heart.

BY MR. HENRY:

Q. Brother Boudreaux, do you sincerely believe -- and we are here to protect this membership, and I believe that you --

A. I do believe that.

Q. -- would want to do the same thing.

A. I believe that.

Q. Do you believe by lowering the initiation fee -- usually a union would raise their initiation fee because the law says we can't close the door on taking members in; we have to give them the opportunity to join after they have worked on our job for 30 days, but unions want to have enough men to keep from overflowing their union and don't have jobs for all of the men, they usually raise the initiation fee within a reasonable amount according to the law to slow the people down from taking members in. Now, you just said here that you worked sometimes once every two or three or four weeks, and then you want to lower the initiation fee down because -- you who have been a member since the beginning of this organization can't get a job, but yet you want to lower the initiation fee down to take more men in.

A. That is right. Now, the question that you have asked in that long statement, this is the answer to that long statement. We are having work out there now that our old longshoremen will not go in the hold and do the job and we do not have enough members to do the work that we are now handling.

Q. With automation coming and all of us are holding our membership down, you believe that this little small Port of Baton Rouge could take in another 100 men as it was said here tonight that some 80 men or something have put in application?

A. You have a lot of non-union men that is now working and that have worked the time according to the law that we have to take them in. Brother Massey told us that in a meeting, that if we didn't take them in he was going to come here and take them in. So when the men applied for membership, we gave it to them.

Q. Do the non-union men go to work before the union men?

A. Well, sure the non-union men go to work before the union. Yes, indeed.

Q. Have you reported this to your president, Brother Bailey?

A. Brother Bailey knows it. Brother Netter would expect it. All these years -- now, don't ask me to tell you all these things that I know that you already know, Mr. Henry.

Q. No, we're not --

MR. CHITTENDEN: Mr. Chairman -- Mr. Chairman, on the point there of Mr. Bailey, both you and Mr. Henry understand, I think it is out of line with all these questions. We're just loading up a record with immaterial questions and irrelevant questions. I mean, we know what's happening out there and both --

MR. HENRY: I don't know.

MR. CHITTENDEN: I know, Mr. Henry, you do, too, and Mr. Boudreaux knows and so does Mr. Bailey. Mr. Boudreaux knew before Mr. Bailey became the president, but there is only one question that the question that the Chairman asked you, --

BY MR. CHITTENDEN:

Q. -- did you realize when you fought with this deal about the Landrum-Griffin Act and the men had to be notified before they raised to $500, by the same virtue when you lowered you had to notify the membership the same way, and incidentally, it's a 15-day notice -- and that calls for a 15-day notice so everyone concerned was guilty of --

A. I didn't know nothing about the Landrum-Griffin lowering the dues --

Q. Well, we are stating --

A. -- or the initiation fee.

Q. -- we are stating it for your future reference and your knowledge of it, that anything, initiation fees or dues structure, that is voted on by the membership must be notified by mail at their last known address, plus a fifteen days notices, plus a secret ballot.

A. About lowering the initiation fees and dues?

Q. The raising or lowering of the initiation fees, raising or lowering the dues structure. I am acquainting you --

A. Now you're telling me something.

Q. -- with the idea to keep you abreast of the law and legally.

A. Mr. Chittenden, the reason that we did that is because I thought at all times it was an illegal $500.

Q. Now, we have your opinion --

A. That is my opinion.

Q. All right. That's your opinion; you gave it to us, and I think you ought to go to another question now, because you gave us your statement and I'm perfectly satisfied.

THE CHAIR: I'm going to ask him one last question and I'm through with him.

BY THE CHAIR:

Q. As a charter member of Local 1830 are you familiar with the constitution and by-laws of the local?

A. Some.

Q. According to this constitution here you are one of the committeemen who drew it up?

A. That is right.

Q. Then you should be familiar with it. I know you wouldn't -- and knowing you I know you wouldn't draw up something you weren't familiar with.

A. You can believe it.

Q. And you can quote me -- I know you; you can quote me --

A. No, I can't.

Q. -- near about article by article in this constitution and I know you can. And you know I know you know some of the questions we have asked you tonight pertaining to this constitution you did not answer. And I'm telling you, you just as well be fair with us because se are not here to hurt anybody but we are going to call the shots like we see them. We're going to do it.

A. I've answered all of your questions to the best of my knowledge.

Q. Knowing you, Antoine, you did not.

A. Oh, Mr. Chairman, shame on you.

THE CHAIR: We are through with him. Mr. Cole, do you want to try again?

MR. GLADNEY: I'm not through with him, Mr. Chairman.

THE CHAIR: Well, I wish you would.

MR. GLADNEY: I've only got two or three questions I need to ask him.

BY MR. GLADNEY:

Q. This election took place in January. Were you a candidate?

A. I was a candidate.

Q. And during the election did the officers who were elected, to your knowledge did

any of them intimidate, make threats and other coercion, against the membership to influence the outcome of the election?

A. Mr. Gladney, if that would have happened, I'd have been sitting in Mr. Chittenden's office and Mr. Henry's, because I was the low man as a candidate, so no, I don't know of any accusations or intimidation.

Q. Now, are you familiar with the contract negotiations for the deep sea contract that took place in September of last year up until a referendum took place February 22, 1969?

A. I am.

Q. Were you present when the referendum election took place on that date, February 22, 1969?

A. I was.

Q. During the election or prior thereto, to your knowledge did anyone make any intimidation, threats, or other coercion exerted upon the membership to influence their vote in that referendum?

A. The only word that we had, Mr. Netter read the proposal, and after the proposal was read, Mr. Netter said that we didn't have anything and he didn't see why that we should accept that. Mark Young talked against it and we voted against it.

Q. Now, since February 27, 1969, when the new officers took over, do you know of your own knowledge any actions of the newly elected officers of Local 1830 have been such as to cause a complete breakdown of

the collective bargaining system in the Port of Greater Baton Rouge?

A. No, I don't know anything of any complete breakdown.

Q. Are the members of the union working under a contract that was signed with the employers at this time?

A. I wasn't at that meeting, but to my understanding that they had a meeting for that purpose and a vote was brought up --

THE CHAIR: Now, Mr. Gladney, Mr. Boudreaux is going on hearsay and he don't know and he wasn't there, and I'll have to ask him not to answer the question; it's only hearsay.

MR. GLADNEY: He wasn't there.

BY MR. GLADNEY:

Q. Mr. Boudreaux, were you present at a meeting of Local 1830 held the 17th day of March, 1969 -- on March 17th-- which is the night of a regular meeting -- to refresh your memory, a petition had been prepared and signed by over 25 members to call a special meeting for that night, and were you either at the board meeting or the meeting of the membership on that night?

A. I know of the meeting and I know of the petition, but I wasn't at that meeting.

Q. Now, since February 27, 1969, have you attended either all or most of the meetings of Local 1830 of I.L.A.?

A. I think I have.

Q. At any of the meetings that you have attended has the president, Alton J. Bailey, ever or has he constantly refused to hear legitimate complaints from any members of the local?

A. No, because Mr. Bailey made that plain to everybody; they would have a chance to speak and to discuss their problems or complaints.

Q. Did that come out in a meeting?

A. In a meeting.

Q. Now, to your knowledge since Mr. Bailey was installed February 22, 1969, has Mr. Alton J. Bailey as president ever refused to attempt to bargain in good faith with sister Local 1833 and with the management of the Port of Greater Baton Rouge?

THE CHAIR: Mr. Gladney, in asking Mr. Boudreaux that question, Mr. Boudreaux happens not to be one of the officers, so when Mr. Bailey is dealing with Local 1833 and the employers, Mr. Boudreaux wouldn't be there and he couldn't answer that question.

MR. GLADNEY: I only asked him to answer it from his own knowledge, if he has any knowledge.

THE CHAIR: Well, it would only be hearsay.

MR. COLE: If I may, --

THE CHAIR: Go ahead, Mr. Cole.

MR. COLE: -- I haven't made any objection. I'm sure that I should make this one. But

counsel is reading conclusions that have to be established by facts --

THE CHAIR: Right.

MR. COLE: -- and asking this witness if they are true or false, but I haven't heard the witness testify to any facts.

THE CHAIR: He said the witness wasn't there. He couldn't testify to any.

MR. CHITTENDEN: For your information, Mr. Cole and Mr. Gladney, this doesn't make any sense and doesn't have any bearing on this case whether he got along good--

MR. COLE: I didn't feel so, but I felt --

MR. CHITTENDEN: -- whether he got along good with the Steamship Association or whether he got along good with the sister local.

THE CHAIR: Mr. Cole -- excuse me, Mr. Cole, do have any questions for this witness?

MR. COLE: No, I have no questions.

THE CHAIR: Mr. Gladney, do you have any more questions of the witness?

MR. GLADNEY: I think the Chairman and members of the committee don't realize that the question I have is based on these charges which Mr. Cole says are conclusions rather than allegations in fact. I agree with Mr. Cole that that is --

MR. CHITTENDEN: Yes, but there are no allegations in the charges that the local has not cooperated with the sister local or has not cooperated with the Steamship

Association.

MR. GLADNEY: We didn't say that; we didn't say about the local; Mr. Chittenden. The charge in the specification says, "WHEREAS, President Alton J. Bailey has refused to attempt to bargain in good faith with sister Local 1833 and with the management of the Port of Greater Baton Rouge." I asked him if he had any knowledge in regard to that subject matter and this is specifically in here and if anything would be in order it's in order for what you've got charged in these charges and you are supposed to hear about it.

THE CHAIR: That's right, but you asked the man a question he doesn't know anything about.

MR. GLADNEY: Well, that's up to him to tell you he doesn't know or does know --

THE CHAIR: I don't think he can answer that question.

MR. GLADNEY: -- you can't read his mind on that.

THE CHAIR: I think he'll have to answer that question.

A. (The witness did not reply.)

BY MR. GLADNEY:

Q. Would you answer, Mr. Boudreaux?

A. Yes, I will answer that question. It was a meeting scheduled with Ramsey Scarlett; Mr. Durnin was supposed to have been there; I was there; Mr. Bailey and the committee.

The meeting was scheduled for ten o'clock that morning. And at ten o'clock Captain Hall called Mr. Durnin to find out why he wasn't there, or a little after that. Mr. Durnin said that his office girl had quit that morning and he had no one to be in the office. So I can't see where Mr. Bailey did not try to cooperate with the sister local.

BY THE CHAIR:

Q. That wouldn't be lack of cooperation if the other brother couldn't show and stated why he couldn't.

A. That was the second --

Q. I mean that wouldn't have no --

A. That was the second time that that did happen that he did not show.

Q. That wouldn't be Mr. Bailey not cooperating.

A. That's what I'm talking about. Mr. Bailey -- I was trying to say that Mr. Bailey is cooperating.

Q. On this particular thing you are talking about?

A. On -- well, that ought to answer the rest of it.

BY MR. HENRY:

Q. Mr. Boudreaux, was you a member of the contract committee?

A. No, the president wouldn't put me on the

contract.

Q. That's right.

A. President J. Harvey Netter would not take me on the contract.

BY MR. CHITTENDEN:

Q. Brother Boudreaux, that's enough. You've stated all that --

A. I mean, I want you to know that he did not --

Q. I guess that's the prerogative of the president.

A. Thank you. And I was the vice president then, too.

OFF THE RECORD DISCUSSION

THE CHAIR: Mr. Gladney, do you have any more questions?

BY MR. GLADNEY:

Q. Now, Mr. Boudreaux, as a former officer of Local 1830 of I.L.A., do you oppose the international placing this local in trusteeship?

A. Yes, I do.

Q. Will you give this committee your reasons therefor?

THE CHAIR: Now, Mr. Gladney, I don't think Mr. Boudreaux would have to give an answer. I think any individual member of an organization, regardless of whether he was right

or wrong, would oppose the international putting the local under a trusteeship, which has no bearing on the international putting them under there. The international sends the committee in to find out whether any charges of the allegations merits putting it under the constitution whether the membership like it or not. I mean, I don't like it -- if you put mine under trusteeship I wouldn't like it and I'm sure Mr. Boudreaux wouldn't like it or nobody else here, which has no bearing on this case because nobody wants the local put under trusteeship.

MR. GLADNEY: O.K., I'll ask it this way.

A. (The witness did not reply.)

BY MR. GLADNEY:

Q. Mr. Boudreaux, will you tell this committee as to your knowledge, and you have full knowledge about the union, has anything gone corrupt or wrong within the union which would be a basis for the international placing this local under trusteeship?

A. No, there isn't any.

MR. HENRY: Mr. Chairman, I would just like for the --

MR. CHITTENDEN: We'd like the record -- wait a minute -- we'd like to have Mr. Gladney know that it is not for him to question the witness there. The committee will decide whether they have a right to put this local under trusteeship, not you nor Mr. Boudreaux.

MR. GLADNEY: We are not going about the rights, we are going about the reasons or any facts on which --

MR. CHITTENDEN: We'll ascertain what the facts are from the --

THE CHAIR: When we -- that's right.

MR. CHITTENDEN: -- records and then what his statement is is what we are trying to gather; not the legal terminology of this thing, but the facts from these members, because the only way we are going to get to the facts is through the membership.

MR. GLADNEY: That's right. Right.

BY MR. GLADNEY:

Q. Now, as a member of Local 1830, are you pleased and satisfied with the administration of the local under the administration of Alton Bailey and other officers?

A. Yes, I am.

Q. From your knowledge of the local would you say over a majority of the members are also satisfied with the administration of Alton Bailey?

THE CHAIR: I object to that, Mr. Gladney, Mr. Boudreaux would have no knowledge of what the majority of this membership thinks.

A. (The witness did not reply.)

BY MR. GLADNEY:

Q. If you do have knowledge, even with his objection you have the right to answer

that question.

A. I have knowledge that the majority of the membership do not want this local under trusteeship.

BY MR. CHITTENDEN:

Q. Let me ask you another question on the same subject, Mr. Boudreaux. If that was so, why would so many men have signed the petition sent to the international to have this local investigated?

A. To the best of my knowledge you do not have so many men; you only have approximately 14 men.

Q. Mr. Boudreaux, for your knowledge -- I don't know whether you were present or not, but we had attended a meeting up there and there was many, many men came up there and protested at that particular meeting. President Massey was running the show at that particular meeting, so for your knowledge you can state for yourself, but actually we would like to have counsel ask these questions of all the other participant members. It's not for your knowledge to say, because after all, he had that same choice of asking all the witnesses their opinion of it. You state your opinion.

BY THE CHAIR:

Q. Mr. Boudreaux stated in his previous statement, when he went out to get the petition signed, the men was afraid of being intimidated; they'd get under cars and things to sign this petition, and I'm just wondering if it doesn't work both ways. If you want

us to, we can question each member of that organization and I think we'll find out different.

A. I think that would be a good thing to do. You have the petition.

Q. We have the petition.

MR. HENRY: Mr. Chairman, I would just like to say that I think the question now -- it's growing late; my watch has ten minutes after ten and we have been here since eleven o'clock this morning, and that the question that was asked by counsel would have no bearing on this committee or the international whatsoever about what Mr. Boudreaux thinks. The thing that is going to have the bearing on this committee is -- and after questioning various witnesses and hearing his statement, that's the thing that this committee will determine, whether they are going -- whatever recommendation they are going to make to the international president or the international executive council. I think that -- as we asked everybody in the beginning -- let's try to keep from asking questions that have no bearing on the case so that at least we can conclude this hearing as soon as possible.

THE CHAIR: Yes.

MR. HENRY: We have repeatedly stated that we have to meet in New Orleans tomorrow morning at 8:30 to prepare to go to another hearing and I think that counsel on both sides-- I know the committee would appreciate them trying to get as much as possible in the record, but do it without being -- just repeating yourself or saying

things that have no bearing on the case whatsoever.

MR. GLADNEY: O.K.

MR. CHITTENDEN: Are you finished with the witness?

MR. GLADNEY: Not quite.

BY MR. GLADNEY:

Q. Mr. Boudreaux, since you testified that you obtained this petition signed by 119 members with regard to the I.L.A. placing the local in trusteeship, did each of the members who signed that petition have personal knowledge of the meaning of that petition in asking that the trusteeship not be accomplished?

A. Each member that either I or Mr. Smith contacted, I read the petition to each member and after that I asked them to sign it whether they were willing or not and 119 members signed that petition. That is why that I know that we have 119 members that is not willing for this local to be taken under trusteeship.

MR. GLADNEY: We tender the witness to Mr. Cole.

MR. CHITTENDEN: Mr. Cole, do you have any questions?

CROSS EXAMINATION

BY MR. COLE:

Q. Mr. Boudreaux, you testified that to your knowledge two times there was a meeting

which Mr. Durnin did not attend, is that correct?

A. That's correct.

Q. Since the membership rejected the contract on the 22nd day of February, 1969, how many meetings to your knowledge have been held between Mr. Bailey, Mr. Durnin, and management to attempt to negotiate a different contract than the one that was rejected?

A. To the best of my knowledge?

Q. To the best of your knowledge.

A. Other than those two meetings that I spoke of, I have no other knowledge of any other meetings.

Q. No further questions.

THE CHAIR: You are excused, Mr. Boudreaux. Will you let the man go out, Mr. Bailey, please? Mr. Gladney, --

A. Mr. Chairman, since I have already testified, may I stay in?

THE CHAIR: No, sir. We didn't let the rest of them stay in. No, sir.

MR. CHITTENDEN: Brother Boudreaux, we didn't let nobody else stay in.

A. Nobody have asked, though. I'm asking.

THE CHAIR: No, we are not going to let anybody --

MR. CHITTENDEN: It doesn't make any difference

if they had asked the same question, it would have been no.

A. You all are cruel men.

WITNESS EXCUSED AT 10:19 P.M.

THE CHAIR: Mr. Gladney, do you expect to put Mr. Bailey on the stand?

MR. GLADNEY: Yes.

THE CHAIR: Well, the Chairman feels that it's your prerogative to put Mr. Bailey on the stand, but we also feel after Mr. Bailey we will have had enough evidence.

MR. GLADNEY: I only have one short witness, Ernest Davis. He won't be very long. You won't have a long witness like you did with Mr. Boudreaux.

THE CHAIR: Yes, but I know you. You say it ain't long and you'll talk two hours.

MR. GLADNEY: I'm not going to ask him but a few questions.

THE CHAIR: How many questions are you going to ask him?

MR. GLADNEY: I'm not going to limit myself.

THE CHAIR: Well, understand now, we will give you the privilege to put Mr. Bailey on. If you want to call the gentleman in, we're not going to give you no long time; we're going to cut it off. Now, if you want to put Mr. Bailey on the stand, O.K., but this committee --.

MR. GLADNEY: We have to put him on the stand

because --

THE CHAIR: I'm not objecting to Mr. Bailey being put on the stand, but this committee feels like --

MR. GLADNEY: Ernest Davis is a short witness and --

THE CHAIR: Well, this committee feels like -- this committee feels like that we've heard enough evidence to make a decision one way or the other and it is our prerogative to cut this hearing off when we deem it necessary. Now, if you want to call the brother in, you call him and we are not going to sit here and listen at you interrogate him all night.

MR. GLADNEY: No, we won't, just a very few questions.

THE CHAIR: It's going to be a very few, too. If you don't, I'm going to cut you off.

THE WITNESS, ERNEST DAVIS, HAVING FIRST BEEN DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP HIM GOD, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. GLADNEY:

Q. State your name and address.

A. Ernest Davis, Route 2, Box 94, Plaquemine, Louisiana.

Q. What status do you have with the Local Union 1830 of I.L.A.?

A. I am a member of the Finance Committee.

Q. And are you elected to that office?

A. Yes.

Q. Were you elected at the regular election last January?

A. We had a runoff, what you call a second primary.

Q. During both primaries, did you or any other elected official to your knowledge have any intimidation, threats or coercion used on membership to influence the outcome of that election -- do you have any knowledge of such?

A. No.

Q. Now, were you present when they had a referendum as to the acceptance or rejection of the deep sea contract between the union and the employers?

A. Yes, I was.

Q. To your knowledge did any of the elected officers that were elected in January in this union use any acts of intimidation, threats or other coercion exerted by such officers on the membership of the Local 1830 to influence their vote in this referendum?

A. Not that I know of.

Q. Now, who was the finance officer of the union in the past two or three years?

A. Well, I don't remember all of them. One

of them was--

Q. Who is the financial secretary?

A. Financial secretary?

Q. Yes.

A. Mark Young.

Q. How long has Mark Young been financial secretary to your knowledge?

THE CHAIR: Mr. Gladney, those are the questions we are talking about. Mr. Young's statement as to how long he has been financial secretary is part of the record.

MR. GLADNEY: Well, I just said to his knowledge.

THE CHAIR: Well, he told you. Mr. Young told you himself.

MR. GLADNEY: Well, I just want to know what his knowledge is.

THE CHAIR: Well, Mr. Young told you himself how long he was in and everybody else has stated it.

A. How long have I been in the union?

BY MR. GLADNEY:

Q. Yes, you.

A. Oh, I have been in the union just about when it started, around '55.

Q. Well, during the past five years, has Mark Young ever come in and made financial

reports to the membership?

A. I don't remember any.

Q. I show you the minutes of the meeting of June 16, 1969, offered in evidence as "Respondent No. 8," "Respondent No. 9," and "Respondent No. 10," and I ask you in connection with these minutes to examine this resolution and tell the committee what you know about that resolution.

A. (The witness examined same.)

MR. COLE: May it please the Chairman--

THE CHAIR: Yes, Mr. Cole.

MR. COLE: --as to this matter, these resolutions are in the record--

THE CHAIR: They have been introduced by everybody in here.

MR. COLE: --and they have been testified to by a dozen men--

THE CHAIR: Right.

MR. COLE: --as to how they got into the record --

THE CHAIR: Right.

MR. COLE: --and every fact about voting on them, including the number of--

THE CHAIR: I told Mr. Gladney we weren't going to go along with these long questions and all this stuff is repetitious. Everybody we've had in here tonight has answered the same question, and it's part of the

record, and I don't see any reason that he's got to answer it, Mr. Gladney. If you've got something to ask him other than that, it's okay, but every witness we've had you've asked the same question and it's all part of the record.

MR. GLADNEY: Not about his resolution that -- this particular one is the resolution that was offered by him, this Ernest Davis, and we wanted--

THE CHAIR: Well, we are going to hear that one and that's all.

MR. GLADNEY: We didn't ask him about Antoine's--

MR. COLE: The resolution was read by Mr. Boudreaux--

MR. BAILEY: Mr. Boudreaux didn't read this one.

THE CHAIR: And introduced in evidence. He read it. Yes, he did. If you want it in here, he read it.

MR. BAILEY: Oh, I'm talking about at the meeting; that's what I'm talking about.

MR. COLE: It was offered into the record. I think everybody knows what's in the resolution.

THE CHAIR: Mr. Gladney, we are going to have to ask you to refrain from that. Have you got any questions you can ask him other than that?

BY MR. GLADNEY:

Q. Well, you are familiar with that resolution; we won't go into detail. Do not

read it. You are familiar with that?

A. Yes, sir.

Q. Will you tell this committee why you offered this resolution for passage by the membership?

A. We offered this resolution when we had trouble with the financial secretary signing checks. He said he wasn't going to sign any more checks. This resolution was offered and voted on and passed.

BY THE CHAIR:

Q. That's your answer. What's your name, Davis?

A. Ernest Davis.

Q. Mr. Davis, you are a member of the finance committee?

A. Yes, I am.

Q. How long have you been a member of the finance committee?

A. Well, since I got elected last January.

Q. Well, can you explain to this committee the duties of the finance committee?

A. Well, what I understand the duties is to check the receipts and cancelled checks and check the bills and stuff.

Q. Okay, what else? You haven't finished yet.

A. I can't remember exactly all of them, but it's along that line at the present time.

Q. Also, it states you must make a report to the --

A. Yes, sir.

Q. --membership of your findings?

A. Yes, sir. Yes, sir. That's right.

Q. Since you've been installed as the-- one of the members of the finance committee, has your committee ever made a report to the organization?

A. No, we haven't, and I can explain why if you wish to.

Q. All right.

A. Because at the time I could get there the other two guys were working and I was the only one there. Charley Lamark was one of the members and he was working and H. L. Harden, he was working. A lot of times we just couldn't get together and be there all at one time.

Q. Yes, but the constitution says you must make it quarterly to the membership.

A. I couldn't make it alone.

Q. Don't you think the membership is entitled to know what happened to their money?

A. Yes, I do, sir.

Q. And is the membership aware of the condition that the local is in now and the expenditure of the money that has been paid out; does the membership know about it?

A. Do they know about all of the money that has been paid out?

Q. Yes.

A. I don't think so, because we didn't make no report and the financial secretary didn't make no report.

Q. I have no further questions.

BY MR. CHITTENDEN:

Q. Mr. Davis, let me ask you one question. Don't you think there should have been some time in the whole quarter, 90 days, that you have been there that there wouldn't have been at least one day or night that you three men could have gotten together and drafted up a report for the organization?

A. Well, I came there several times for the purpose, but I couldn't get no contact with them and I couldn't do it alone. And each time I mentioned it to them, I asked them, I said, "It's time for us to try and get a report," and they said, "Well, when we get a chance we'll try to get to it because we're working and we can't take off from work." That's what they told me.

Q. Doesn't the president order you people to get together so you could have that financial report for the membership?

A. He told me about it and I asked them about it. I don't know if he told them about it or not, but I know he told me about it. And my plan was to get one out.

Q. Don't you know that each and every one of

you should be removed from office for not carrying out the constitution and by-laws?

A. Well, yes.

Q. The international can step in on any statements you people have been making; not only the basic fact of these charges but in all the statements that have been brought out we can see all throughout here the laxity in the running of this organization, particularly in the financial end of it, the deplorable condition in the things that you see here, because this way we --

A. May I make a statement?

Q. -- are stating that it should be a --

A. May I make a statement?

Q. Yes, sir.

A. It hasn't been done in the last administration either.

BY THE CHAIR:

Q. We're not talking about the last administration; we're talking about this one now that you've been on. Have you ever went to the president, Mr. Davis, and told him that you couldn't get the other part of the committee together?

A. I think that I did.

Q. What did he --

A. I told him --

Q. What did he say?

A. He told me, he said, "Well, they're going to have to try to get it." He said, "It's time for it," he said, "It's overdue." And he said he was going to get on us to get together -- to get together and make a report.

Q. And there has not been a report made since you've been in office.

A. No, none.

Q. No further questions.

BY MR. GLADNEY:

Q. Mr. Davis, do you personally oppose the international --

THE CHAIR: Mr. Gladney, we have gone through that, and I told you a few minutes ago that there is no member of the I.L.A. who would want the international to step in and take their local over. I think we understand that.

A. (The witness did not reply.)

MR. GLADNEY:

Q. Mr. Davis, do you personally oppose the international--

THE CHAIR: Mr. Gladney, we have gone through that, and I told you a few minutes ago that there is no member of the I.L.A. who would want the international to step in and take their local over. I think we understand that.

A. (The witness did not reply.)

MR. GLADNEY: In order to save time we tender the witness.

THE CHAIR: Mr. Cole.

MR. COLE: One question.

CROSS EXAMINATION

BY MR. COLE:

Q. Mr. Davis, you testified that the reason you put that resolution in about the financial secretary was because he wouldn't sign the checks, is that right?

A. I didn't say he wouldn't. He said he wasn't going to sign the checks. That's the statement he made to me.

Q. Oh, I see. He wasn't going to sign any checks?

A. That's what he said.

Q. All right. You are aware of the fact that between the 29th day of May and the 27th day of June, which is the period covered, the month of June that we're talking about, June 16, right in the middle of it, that the financial secretary wrote that many checks, three to the page?

A. This is just the fact what he told me. I'm telling you what he told me.

Q. In other words, you just wanted to introduce a resolution against the financial secretary; you didn't have any basis in fact for it whatsoever, did you?

A. You want me to answer truthfully?

Q. Yes.

A. Because we needed money to operate the union, and I put up the resolution so we could get it. He said he wasn't going to sign any.

Q. But the truth of the matter is he did sign them, didn't he?

A. I don't know if he signed them all or not.

Q. Somebody signed them.

A. We had trouble getting him to -- getting them signed.

Q. Somebody signed them.

A. We had to go get him and bring him in to sign them.

Q. I have no further questions.

WITNESS EXCUSED 10:30 P.M.

MR. GLADNEY: Our next short witness will be--

THE CHAIR: Mr. Gladney, you just promised us that you weren't going to call anyone but Mr. Bailey. I will tell you now this committee has heard enough evidence right now to close this thing. If you want to put Mr. Bailey on the stand, put him on. If not, we're going to close this hearing. We ask you to put Mr. Bailey on the stand.

MR. GLADNEY: My client desires for me to call Mrs. Dorothy Gustave and ask her just two or three questions.

MR. CHITTENDEN: It's shortening Mr.Bailey's

position down. We're liable to close off without hearing Mr. Bailey.

THE CHAIR: Right now we've heard enough evidence to close this thing. If you want to put Mr. Bailey on the stand you had better put him on because we're going to close this hearing.

MR. GLADNEY: I am going to put him on, but I would like to call Mrs. Dorothy Gustave.

MR. CHITTENDEN: We're letting you have your way, and we've been letting you have your way --

THE CHAIR: We're not going to do it any longer. You've had your way all day, and I'm not going along with it. Put Mr. Bailey on the stand or we're going to close the hearing.

MR. CHITTENDEN: Because you know that the federal court went over there and when it got time, Honorable Gordon West, when he felt like he had heard enough of this thing he just come out there and closed it down. So you're just shortening down your --

MR. GLADNEY: Marshal, call Mrs. Dorothy Gustave.

THE MARSHAL: We haven't got permission.

THE CHAIR: We just told you we weren't going to listen. If you want to put Mr. Bailey on the stand put him on; if you don't, we're going to adjourn this hearing. We feel now that without Mr. Bailey testifying that we've got enough evidence to go into this case on its merits. If you want to put Mr. Bailey on the stand put him on.

It's going to be repetitious, the same thing you've been asking every witness tonight anyway. Mr. Gladney what do you intend to prove by putting your other witness on the stand?

MR. GLADNEY: We intend to prove that she is the office secretary and that she receives a great deal of finances--the money that comes through her hands and the financial secretary picks it up from her and not necessarily does he collect it from the members and everybody but it comes into the office and most of the money is handled through her office. That's the main think I want to prove.

THE CHAIR: In accepting the money from her, doesn't he receipt it? Can't you introduce her receipts in evidence to show that he did get it?

MR. GLADNEY: We just want to call her as a witness because there has been a -- Dorothy Gustave we call.

THE MARSHAL: Is that all right, Mr. Chairman?

THE CHAIR: All right. Go ahead.

MR. COLE: Before she is called in, if what Mr. Gladney proposes to prove by this witness is she collected substantial portions of money and turned it over to the financial secretary is what he proposes to prove by Mrs. Gustave, --

MR. CHITTENDEN: No, we want to hear it.

MR. COLE:-- I will stipulate --

MR. CHITTENDEN: No, we don't want you to

stipulate. As a committee we don't want you to stipulate. Bring her in.

THE WITNESS, MRS. DOROTHY GUSTAVE, HAVING BEEN DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP HER GOD, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. GLADNEY:

Q. Mrs. Gustave, give us your full name and address.

A. I'm Mrs. Dorothy Ann Gustave. I live at 235 Atchafalaya Street, West Baton Rouge.

Q. Mrs. Gustave, where do you work; where are you employed?

A. At the International Longshoremen's Local 1830.

Q. What are your duties there?

A. Office secretary.

Q. How long have you been in this job with this union?

A. About 14 years.

Q. Now, Mrs. Gustave, would you explain to the committee the procedures of your office in regard to how it is run, who collects the money from the members and how it is handled and in regard to getting the money from the members in the office to the bank and so forth; just give us the operating procedures for your office.

A. I usually collect the money from the men for quarterly dues and applications.

Q. Now, after you receive the money do you always take it to the bank or do you turn it over to someone to take to the bank?

A. No, I do not make any bank deposits whatever, only collect the money and turn it over to the secretary-treasurer, Mr. Mark L. Young.

Q. Now, since February of 1969, this year, since Mr. Bailey has been president has there been any problem in the office in regard to getting the money to the bank, and if so why?

A. Well, I called Mr. Young and asked him to come in and make the bank deposit -- just to make the bank deposit, and the last time that we made one was on the 3rd of July, just before the 4th of July. And I think it was the last bank deposit that was made by Mr. Young receiving money from me, and it was in the amount of $575.

Q. Did he make any complaint back to you about that money?

A. Well, when he came back to bring the bank deposit slip-- usually I run them off and have a copy so that we can put it on file -- and he told me that it was $20 short, and in counting the money we don't ever take -- you know, we don't ever make a bank deposit unless we count the money together.

Q. In this case -- at this time with the $575 did you count it and he count it before he took it to the bank?

A. I had $196 for quarterly dues and a $4 check from Ernest L. Young made a total of $200 for quarterly dues, and $375 for an application.

Q. And did he give you a receipt for it as well as he counted the money himself?

A. Usually when he makes this bank deposit before he leaves I make out a receipt and have him sign that he has collected that amount of money -- cash money from the office.

Q. Now, since July 3, the last deposit he made, how many times has he come in and offered to take the money to the bank?

A. Well, now, since July 3 he hasn't been in to make the bank deposit.

Q. To your knowledge, has any call been made by you or the president to have him come in to take care of the money?

A. I have made calls to Mr. Young, and I think on last -- week before last he were in and I told him that Mr. Bailey wanted to see him, and I think that was on a Thursday or -- no, Friday.

MR. GLADNEY: We tender the witness to Mr. Cole.

THE CHAIR: I will ask the questions of the young lady.

BY THE CHAIR:

Q. Mrs. Gustave, on August -- I want to ask you in making out these checks on August 3, would Mr. Young come in the office and make them out?

A. What checks?

Q. Oh, a whole bunch of checks. Did you see him come in the office during that time and make out some checks?

A. Usually he brings the checks in or either sometime when he is asked to come in, well, he will make the checks out there, but usually he brings the checks in.

Q. On -- you say he hadn't been there since July when?

A. The third.

Q. On July 31 there was a deposit made -- I'm sorry, it doesn't give the date -- in this account that you have at the First National Bank in Port Allen; who deposited that money in the bank?

A. Mr. Alton J. Bailey.

Q. You gave it to Mr. Bailey?

A. It wasn't no money; they was checks.

Q. Did you give him the checks?

A. Yes.

Q. Did he give you a receipt for the check?

A. Oh, yes.

Q. In giving Mr. Mark L. Young the money to make his deposit in the bank did you run a tape on your machine in the amount of money that you have him?

A. I didn't run a tape on it; we just counted it together.

Q. And there could have been a mistake?

A. Well, no, we both counted it.

Q. Still there could have been a mistake?

A. Well, yes, but --

Q. Do you mean to tell me that you and Mr. Young sat there and counted out money and you don't add it up to see if it's correct or not?

A. Well, he adds it up.

Q. I mean, you give it to him.

A. Oh, yes, I'm there too.

Q. You just sit there and count the money and you tell me there couldn't be a mistake?

A. I don't know whether there could have been a mistake or not, but I'm sure that that's what I had.

Q. Well, it's not impossible for you to make a mistake, is it?

A. Oh, no, everybody is subject to mistakes.

Q. There have been no deposits by Mr. Young since August 3?

A. That's right. Now, he has made some deposit I think of company checks, but it was not cash money at all.

Q. He has made --

A. But it's not cash money --

Q. -- some deposits then, hasn't he, but he hasn't made deposits of any money you had.

A. I mean cash money from the office.

Q. But he has made some deposits, hasn't he?

A. Oh, yes.

Q. You just stated that he hadn't made any.

A. No. I was referring to money from the office because that's what they were asking me about.

Q. And you don't know anything about these checks that Mr. Young made -- how do you get your money?

A. By check.

Q. Who made your checks out?

A. Mr. Mark L. Young.

Q. Where did he make them out?

A. He brought them in.

Q. But he did make out the checks-- he did make them out.

A. Oh, yes, he made the checks out.

Q. O.K., that's all I want to ask.

BY MR.CHITTENDEN:

Q. Mrs. Gustave, on this thing, you collect cash money from the membership?

A. That's right.

Q. Are you bonded?

A. Yes, I am.

Q. How much?

A. I think it's $1,000 or $3,000; I don't know.

Q. Now, you say you turned this money over to either Mr. Bailey or to Mr. Mark Young and they receipted you for it?

A. Yes, I turn it over to them.

Q. You know, according to the constitution that that job belongs to the financial secretary and not your job. It is illegal for you to do it. How much money do you have laying around the office in cash at various times before this money is deposited?

A. Well, usually when I get a certain amount if it's, you know, in the hundreds or something like that I always call and ask him to deposit it.

Q. Can you state about how much in round figures-- it don't have to be to the penny -- three, four, five hundred dollars at a time?

A. Well, yes, because the last one was $575.

Q. And there is always quite a bit of cash laying around the office waiting for these deposits?

A. Well, during certain times, you know, regular when we are collecting quarterly dues.

Q. And do you have any cash there now?

A. Yes, I do.

Q. Could you state about how much?

A. I think I have $934.50 quarterly dues, and I think I have $45 for applications.

Q. There again the constitution states that the money should be collected by the financial secretary and deposited immediately in the bank. What type of records are you required to keep, or what type of records are you handling that would not pertain normally to your position?

A. Well, so far as the finance membership roll book and, well, collecting money. As you say, it's stated there; I think in the constitution it states that the financial secretary is supposed to collect the money, and down through the years since I've been working there that has been my job.

Q. In other words, the duties that you now perform in the function of carrying out -- it looks like you are handling practically the entire work of the organization, the financial secretary, the recording secretary, and also the finance committee and the job --

A. Not recording secretary, because he usually takes the minutes of the meeting and, well, office secretary.

Q. Do you do any of the posting of the notices or anything on the board and things for them?

A. Well, if something comes in I usually post

it, you know, other than if something is given to the recording secretary then he usually posts it.

Q. Then you do a portion of -- you are doing some of the recording secretary's work too. In other words, what we are saying is that you do a portion of all of the jobs around the office --

A. Oh, yes.

Q. -- just like you're the jack of all trades in the particular office situation then?

A. Uh huh.

Q. I think that's about it.

MR. CHITTENDEN: Mr. Cole, would you like to have--

MR. COLE: I have no questions.

MR. GLADNEY: I have still one question.

BY MR. GLADNEY:

Q. These duties that you have described to the committee, you've been doing the same duties for the past many years?

A. Oh, yes. Now, I tell you, from back at the time that they was at my home I've been collecting money, not depositing any money at all. I don't have anything --

BY MR. CHITTENDEN:

Q. Mrs. Gustave, could you tell us what bonding company, what fidelity bonds you have in your name?

A. A.,B. Nicholson Company.

MR. CHITTENDEN: You have no questions, Mr. Cole?

MR. COLE: I have no questions.

WITNESS EXCUSED 10:44 P.M.

THE WITNESS, ALTON J. BAILEY, HAVING BEEN DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP HIM GOD, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. GLADNEY:

Q. Mr. Bailey, state your full name and address.

A. Alton James Bailey, 810 North 19th Street, Baton Rouge, Louisiana.

Q. What is your position with Local Union 1830 of ILA?

A. I'm president of the local.

Q. When were you elected?

A. In -- on March 6 when we had a second primary, of this year -- March 6.

Q. Weren't you installed on February 27, '69?

A. February 6.

Q. Now, during the election, the first primary and second primary, do you have any knowledge of any of the elected officers who were later elected that had acts of

intimidation, threats or other coercion toward the membership of said local which unduly influenced the outcome of the election?

A. I know of none.

Q. Prior to your election, did you participate in the negotiation of a deep-sea contract between the local and the employers?

A. No, sir, I did not.

Q. Now, were you present at the referendum on February 22, 1969?

A. Yes, I was present.

Q. Did you or any of the elected officials do any acts of intimidation, threats or other coercion to exert influence on the outcome of that election that was called as a referendum on a contract?

A. No, I did not, and I know of no other officer entering into the same.

Q. Did -- at the referendum how did your local vote on it; were you present?

A. Yes, I was present. Every member of Local 1830 voted to reject the contract offer.

Q. How about the president, Mr. Harvey Netter?

A. He didn't vote.

Q. How about the members that he said sat in the middle, do you know who they were?

A. No, because I didn't see these members that he referred to.

Q. Did you accuse anybody of being a Tom?

A. No, I did not. I didn't speak a word, not a word, to anyone in the meeting except the chair throughout the entire course of the meeting.

Q. Did you hear anybody refer to any of the members as Toms?

A. No, I did not.

Q. Did you -- has there been a breakdown in the collective bargaining system of the Port of Greater Baton Rouge since you were installed?

A. Well, there has been very little collective bargaining going on since I've been installed.

Q. What action took place so far as you and your officers were concerned in connection with bargaining and who did you do it with?

A. Well, about twenty-four hours after I was installed or less, I can't remember exactly when, I sent a telegram to the president of the Baton Rouge Steamship Association informing him that I had been installed in office and was available and willing and ready to negotiate a contract. I received no reply to this telegram for about two weeks I suppose, as I recollect. And after there was a lull in negotiations, or no negotiations going on at all after the contract had been rejected, Governor McKeithen attempted to get negotiations going again, and he called in myself and Mr. Bussie, Mr. Henry, and along with a committee from his local and my local, and we attended a meeting at the governor's mansion in which he attempted to get the strike settled.

Q. When you say he, you're talking about --

A. The governor.

Q. All right. And then what efforts did you -- what part did you take in that effort?

A. Well, I was there willing and ready to negotiate, but Mr. Quaid, who is president of the Steamship Association, could not be located for several days. He couldn't be found anywhere. And so when he was found, the governor set up a meeting at one of the motels, I forget which one, at which we all met.

Q. Who is we?

A. Well, the ones I've named.

Q. Besides the union --

A. Mr. Bussie, Mr. Henry, myself, Louis Hardin, and others members of the committee from the local --

Q. Did you --

A. -- from both locals. Mr. Durnin was there, too, and Mr. Quaid, together with other members of the Baton Rouge Steamship Association.

Q. Now, did you do anything at all to help -- to break down any -- to break down the collective bargaining negotiating going on?

A. No, the breakdown occurred when the contract was rejected by the membership at a joint meeting.

Q. What date was that?

A. That was February 22.

Q. Were you present at that time?

A. Yes, I was.

Q. Were you president or were you elected?

A. I was not president; I had not been installed.

Q. I see. Now, was a special meeting of your local union called by petition membership for March 17, 1969?

A. Yes, a petition was circulated and signed by the required number of men and turned over to the recording secretary, who turned it over to me, and I instructed him to post it on the bulletin board as required by the constitution.

Q. Now, after that was done, did you refuse to hold the special meeting or any meeting on that same night, March 17, 1969?

A. I held my regualr executive board and regular membership meeting on that night.

Q. What was the subject matter stated in the special called meeting for that night?

A. The meeting as I remember -- I had a petition; I would have to have it to give -- to give you the exact wording, but the petition called for a meeting to reconsider -- to decide whether we would reconsider the offer that had been rejected by the membership on February 22.

Q. Was that question presented to the meeting that you held that night on March 17?

A. Yes, after the executive board meeting I convened the regular membership meeting as usual and in the usual manner, and after the meeting had been opened officially, I recommended that the regular order of business be suspended and that the regular membership meeting be devoted to the thing, the same thing that they wanted to talk about in the meeting that they called, the special meeting that they attempted to call.

Q. Yes. Now, this meeting that was held, was it -- if it had not been a regular meeting that night, would it have been held at the same time a special meeting was called?

A.. I didn't get the question.

Q. If there had not been a meeting, a regular meeting night, when you held this meeting, did that comply with the calling of this special meeting?

A. Yes, I devoted the entire meeting to the subject that they wanted to take up at the special meeting.

Q. And did the membership have a full vote on it?

A. They had a full vote on it. A motion was made by someone after I suggested it to suspend the regular order of business and the contract was discussed by the members, and it was finally motioned by someone-- the minutes will show who -- that a vote be taken on whether or not we would consider or reconsider the company's

previous offer, and the result of that vote was, as somebody said, about 49 -- about 42 to 39 against reconsideration.

Q. Now, Mr. Bailey, at that meeting was any discussion held, any motions made in regard to holding a joint meeting with your sister local, 1833?

A. No, the meeting wasn't called for that purpose. The meeting was called, as I stated previously, to decide whether or not we would reconsider the offer. After the men voted not to reconsider the offer, there was no need to hold a joint meeting.

Q. Did anybody make such a motion that was not acted on as to have a joint meeting?

A. No, all motions were acted on at the meeting. Nobody made a motion to have a joint meeting.

Q. Was there any effort on your part to keep anybody from making such a motion?

A. No, sir.

Q. Now, on that same night, did you permit personnel who worked for Cargo Carriers and Burnside Terminal to vote on that deep sea contract?

A. Of course, I permitted every member of the local to vote on the deep sea contract.

Q. Was there anything in the constitution of either the local or the International which would have prevented members from voting on a contract which they didn't work under?

A. They do work under it. Every member of Local 1830 is entitled to shape-up at the port of Baton Rouge regardless of -- irregardless of where he works. He can quit his job; he can come to the port of Baton Rouge to shape-up any time he gets ready.

Q. Now, have any of the members since you've been installed as president of the local ever made any complaints at the local meetings which you refused to let be heard?

A. No, sir.

Q. Now, it's charged here that you have failed to file with the local bonding. Are you bonded?

A. Yes, sir, I am.

Q. Do you have any records about that with you?

A. Attorney Jones has the records.

Q. O. K. Now, have any check-off funds --

A. I would like to say -- further explain this bonding business, if you don't mind.

Q. All right.

A. I was bonded shortly after I was installed in the office.

Q. Speak loud enough for them to hear.

A. I was bonded shortly after I was installed in the office; I don't remember the date. However, when the local was taken into trusteeship for about six days, I was removed from the bond by Mr. Mark Young who

substituted Louis Harden in my place. And when I returned -- of course I didn't know about it immediately, but when I found out that I had been removed from the bond and Mr. Harden had been substituted, I called the bonding company and had my name replaced or had my name reentered on the bond certificate.

Q. Before this attempted trusteeship, you were on a bond, --

A. Of course, I was. They knew I was on and they took me off.

Q. -- and since that time you've been -- after you found you were taken off, you've been put back on?

A. Right.

MR. GLADNEY: For the information of the committee, we would like to show you the correspondence, and if possible after you see it, leave it with the local for their records.

MR. HENRY: I would just like to ask a question here.

BY MR. HENRY:

Q. You were bonded, you say, and then you were taken off the bond?

A. I was taken off by Mr. Mark --

Q. What position you held when you were bonded at that time?

A. The position of president, the only one I've ever held.

Q. And then you said somebody took you off and put Mr. Harden in?

A. Well, the record will show that when I was out of the office for those five to six days between May 30 and June 5, I was removed from the bond. My name was removed and Mr. Harden was substituted.

BY MR. GLADNEY:

Q. Who made that request to have your name --

A. Mark Young made the request.

MR. CHITTENDEN: Mr. Gladney, do you have the original bond on this thing? We've seen photostats of it, but then we'd like to check it.

MR. MILLER: The bonding policy itself, where is it?

BY MR. GLADNEY:

Q. Where is the bonding policy itself?

A. Well, this was renewed. I haven't ever seen the original bonding policy. This is a renewal of the policy that was in existence before I was installed in office.

Q. When the bond is issued, who receives that bond and holds it?

A. I can't answer that question because I don't know the answer to it.

BY MR. HENRY:

Q. Do you have the bond in your safe or in your office or something?

A. I have never seen the bond. It is not in the safe. It is not in the safe.

Q. Well, how do you know you're bonded?

A. Well, how do I know? I've been having telephone conversations with the bonding company. I called and had my name placed on the bond, originally, and they told me--

Q. Well, now, maybe your lawyer can help me. Shouldn't he have the bond?

MR. GLADNEY: Somebody should hold the bond, but I don't know what the policy has been in the unions, where they send the bond or who has it, but I'm sure that the agent who issued the bond has sent it somewhere.

MR. HENRY: Mr. Miller, shouldn't he have the original? Somebody in the local--

MR. MILLER: Somebody should have the bond itself, the original endorsers to the bond.

A. This is the same bonding company that they have always used, I believe. And when I was installed, I called them on the telephone and I had -- look, I had Mr. Netter -- I had my name removed and Mr. Netter-- I mean I had Mr. Netter's name removed and mine substituted for his. I never saw the bond.

MR. CHITTENDEN: Evidently the original bond was not in the safe when the safe was opened and the contents were removed.

MR. GLADNEY: May I continue now?

MR. HENRY: Yes.

BY MR. GLADNEY:

Q. Mr. Bailey, I now ask you, since you've been president, have you handled certain check-off funds that belong to the local district and International -- have you been handling check-off funds?

A. Yes, I have.

Q. Now, I show you the exhibit marked "Charging Party No. 1" and ask you if you know who received those checks and what happened to them.

A. All checks from these three companies are mailed to the local and-- if this is a list of all the checks that have been mailed by these companies to the local some of them have been deposited and they were deposited by Mr. Mark Young. Others were deposited by me as I will testify at the proper time. However, none of the check-off -- when I say check-off I mean six cents per hour check-off have not been deposited because this was a retroactive thing back to October 1. It took the companies months -- in fact, I just got the last one in -- it took them months to calculate this retroactive check-off funds and send them to me, so I did not deposit these in the banks because it doesn't belong to us; only three cents of it belongs to us. The other three cents belongs to the International and to the district, and I kept them there so I could get all of them together and figure out how much money is due the International and the district before --

BY MR. CHITTENDEN:

Q. Do you have those checks now?

A. Yes, I have them in the court room here.

MR. CHITTENDEN: Mr. Gladney, do you want this into evidence?

MR. GLADNEY: Well, I wanted you to see it and if you gentlemen want it in evidence, I would like to offer the original of this and give permission to the court reporter to make a copy of it and send the original back to the union.

MR. CHITTENDEN: No objection. We'd like to state also if Mr. Bailey should run across the original bond, we would like to see the original bond because we don't know what the original bond states. It states that they're bonded, but it doesn't state how much. There's a certain stipulation there for $10,000, but it doesn't state what the bond requires and what the fidelity of the bond is.

MR. GLADNEY: He has testified that he has never seen the bond.

MR. CHITTENDEN: And it also shows that no contents of the safe were removed, and it doesn't show that -- the stipulation of the safe's contents does not show that the original bond was in that safe, so we're asking that the bond should be found. If not, then we would like to require -- request that an original bond be issued.

MR. GLADNEY: With permission of the committee, I would like to offer in evidence in connection with this witness' testimony these documents and ask that the whole group be marked "Respondent 12" and that each sheet be marked "12-A, B, C, D, E, and F" and with permission of the committee we ask

the court reporter to make a Xerox copy of the thing and return the originals to Mr. Bailey as president.

MR. HENRY: Mr. Gladney and Mr. Chairman, we have no objection to that being put into the record, but we would certainly like you who -- one of the attorneys representing Mr. Bailey to make every effort and let us know as soon as possible where the original bond is. That's one of the requirements of the International Longshoremen's Association and that's also one of the requirements as far as the Landrum-Griffin Act is concerned that any president or officers who are handling money should be bonded, and we would like for you and Mr. Jones, who represent Mr. Bailey, to get that information as soon as possible where the original bond is.

MR. GLADNEY: All right, sir. We'll sure do that, Mr. Henry.

BY MR. GLADNEY:

Q. Now, Mr. Bailey, tell us about the checking account that has been talked about at the First National Bank of Port Allen to the account of the Local 1830.

A. Well, as my previous testimony has already brought out, I was authorized to open this account by the membership because of the fact that Mr. Young not only said he wasn't going to write checks, but he did stop writing checks, and after the resolution was passed -- I opened an account at the First National Bank and after the resolution was passed Mr. Young, who hadn't written checks for several days or a week

or so, the day after the resolution was passed he came in and he started bringing in one or two checks, one for this and one for that and one for the other.

Q. Which of these records pertain to that account so I can--

A. Those brown envelopes, those two brown envelopes.

MR. GLADNEY: This one and this one.

THE CHAIR: Wait just a minute. I'm trying to find them.

A. He has them in his hand there.

MR. GLADNEY: This one?

A. Yes, those two brown envelopes.

THE CHAIR: I have them in my hand.

BY MR. GLADNEY:

Q. How many checks were involved in this one?

A. Only two.

MR. GLADNEY: These?

THE CHAIR: I have them in my hand here.

MR. GLADNEY: I see.

THE CHAIR: Do you want to see them?

MR. GLADNEY: I just wanted him to explain them to us.

BY MR. GLADNEY:

Q. How many deposits did you make in this account?

A. Only one.

Q. One deposit?

A. Right.

Q. Of how much money?

A. $1,550.60.

Q. And how many checks were drawn against that account? Explain the checks drawn against the account.

A. As I said, after the resolution was passed to open the new account, Mr. Young -- the next day Mr. Young came in and he started bringing in a few checks here and there to pay current expenses, but he didn't bring in pay checks for me and he didn't bring in pay check for Louis Harden and he didnt bring in pay checks for himself, and he finally brought in one for the office secretary three or four days after the resolution was passed as I remember. And so what I did, I hadn't been paid in three weeks, and so I paid myself off.

Q. What date was that?

A. These checks were written on June 20, 1969, and these checks are for three weeks pay. The regular pay check at $208 per week, it comes to $624. Minus withholding and social security taxes, it would then be $524.22 for three weeks.

Q. Now, both of these checks were drawn against this account --

A. Yes, sir. Let me --

Q. -- prior to the hearing in the federal court?

A. Right. This check here is for $105, three weeks at $35. You can see I hadn't been paid in three weeks and I paid myself off as I was authorized to do. When Mr. Young brought --

MR. GLADNEY: The committee can see this account and at the same time --

THE CHAIR: Where are those checks?

MR. GLADNEY: Right here.

A. Those are the only checks I've written on that account.

MR. GLADNEY: We'd like to offer the checks and the deposit in connection with this testimony, and with the permission of the chairman of the committee, we would like to have the court reporter make a Xerox copy of the four documents and leave the Xerox copy in the record and return the checks to the union for their records.

THE CHAIR: We will have the checks; she will return them to us.

MR. GLADNEY: We would like to make that offering and mark it "Respondent-11" and ask that it be "Respondent-11 A, B, C, and D."

THE CHAIR: Might I ask Mr. Bailey a question?

BY THE CHAIR:

Q. Mr. Bailey, what is your salary per week gross?

A. Basic pay plus 30 percent.

Q. What?

A. Basic pay plus 30 percent.

Q. What is it, Mr. Bailey?

A. $208.

Q. $208?

A. Right.

Q. Why was it -- I want you to see if you can enlighten me on this. Why was it, Mr. Bailey, -- let me ask you this. You say you hadn't been paid in three weeks when this check was issued, right?

A. Right.

Q. Why were you issued a check -- I want you to tell this committee -- why were you issued a check on July 10 in the amount of $208 and again on July 12, shows salary, gross salary, -- what is this $21.84 per week for eleven weeks; what was that?

A. I would have to see the check.

Q. What?

A. I would have to see it. I can't --

Q. All right. What was that for?

A. This -- this is apparently -- I think -- I can check my book and tell you exactly what it is.

Q. You ought to know what you drew the money for.

A. I think it's back time. You see we had --

Q. I mean we just want to know so we'll have --

A. O. K. I'll tell you. I'll tell you what I think it is, but I have to check in my book to be certain. I have a list of everything and check numbers and what I wrote them for. Looking at a check, I can't remember what I wrote it for.

Q. Well, you didn't write these, Mr. Bailey.

A. Well, I mean I signed them. I signed them. Every time I sign one I put it in the book. I'll tell you exactly what it's for. I think I know what I was looking for, but I want to be sure.

Q. It might be right. We just want it for the record, what it's for.

A. Every time I sign a check, I list it on the book and the purpose it was signed for.

Q. Do you have the check, Mr. Bailey; can you give an answer?

A. Yes, I have it. Uh huh, yes. Uh huh. That is -- as you know that the rate of pay was changed effective October 1, 1968, and I had been receiving the old rate up until this time when my salary was adjusted. Does that answer it? In other words,

this is the difference between the old rate and the new rate.

Q. Both yours and Mr. Harden's salary was adjusted at the same time?

A. That's right. Mr. Harden went to the labor board and -- I didn't ask for this, but Mr. Harden went to the labor board because he hadn't been paid off and filed a complaint, and when the labor board called Mr. Young and ordered him to pay Mr. Harden he also wrote my check.

Q. All right. Then why was Mr. Harden --you paid Mr. Harden on July 11 for 33 weeks at $26.64. What was that for?

A. Well, I was installed in the office on February 27. Mr. Harden had to receive an adjustment back to October 1. Mine only came --

Q. October 1 until July?

A. October 1, '68, that's right. My adjustment began at the date that I was installed.

Q. On October 1-- would that be 33 weeks afterwards?

A. Thirty-three weeks.

Q. From October 1 until when?

A. Until the date of that check.

Q. Until July?

A. Yes.

Q. We just wanted to know. I just didn't understand why, you know, it was issued.

MR. HENRY: Mr. Chairman, I'd like to ask a question.

BY MR. HENRY:

Q. You said you only received what, two checks that you put in this First National Bank?

A. I said I only wrote two checks on the account.

Q. How much money did you receive and deposit in this account?

A. Well, you would have to let me see the records. I can't remember that. You have the records there; I don't have them.

MR. GLADNEY: He just had testified about it.

MR. CHITTENDEN: One thousand five hundred and some-odd dollars.

A. $1,550.60, I believe.

BY MR. GLADNEY:

Q. This is a statement from the bank, isn't it?

A. That is correct.

BY MR. HENRY:

Q. You said somebody authorized you to open this account up?

A. I said the membership authorized me to open it.

BY THE CHAIR:

Q. Do you have any minutes to show where the membership authorized it?

A. Sure, I have the minutes.

MR. GLADNEY: It's offered in evidence as "Respondent No. 10."

BY MR. HENRY:

Q. I asked who authorized you, Mr. Bailey, and you said the membership.

A. That's correct.

Q. The membership authorized you to just sign one signature, --

A. That's what they did.

Q. -- just as the president without the financial secretary-treasurer?

A. They did.

Q. In this account here?

A. They did.

Q. The membership did not make any attempt or authorize you to make any attempt to change the constitution that requires two signatures?

A. We did not change the constitution.

MR. GLADNEY: Read the resolution to them, Mr. Bailey.

A. They said they had heard it before, but

I'll read it to them again.

Y MR. HENRY:

. Just a minute. I didn't ask you to read no resolution. I'm asking you a question; I didn't ask your lawyer anything whatsoever.

. O.K..

Q. So you had two checking accounts. You had one over here that requires two signatures in the other bank --

A. Right.

Q. -- and then you had one over here something similar to your personal account with nobody to sign it but you.

A. Not a personal account. The account was opened in the name of Local 1830,

Q. But it required no other signature other than the president?

A. That's correct.

Q. You said that the local owed you some salary. Why didn't you get the salary out of the account that had two signatures on it?

A. I told you that the financial secretary refused to sign checks for me and for others. That's why it was necessary to open the other account.

Q. When you opened the other account, did you pay anybody other than yourself out of this account?

A. No, I did not. He paid everybody except

Louis Harden and himself. Louis Harden didn't come into the office during that three week period and ask for his pay check; consequently I didn't pay him.

Q. I understood you to say just now that -- a moment ago that he refused to sign checks for you and others.

A. Well, he -- that's what I said, he didn't sign checks for Louis Harden and he didn't sign checks for himself. He didn't sign checks for anybody until this resolution was passed, and then he chose the checks that he wanted to sign.

Q. This is before the judge ordered him to sign your check?

A. That's correct; that was before the judge ordered him to sign the check.

Q. Since the judge ordered him to sign the check, has he been signing it?

A. He has been signing them whenever I find him or whenever I catch him. He doesn't come into the union hall; he purposely avoids me. I can't find him anywhere. I send for him; I call for him.

Q. Since the judge ordered him to sign checks and -- I believe that your pay is up current now, isn't it?

A. Well, yes, it's current. It has been current ever since the judge ordered him to sign checks.

Q. So you undoubtedly could find him?

A. In fact, he even brought checks for those

three weeks after that.

Q. So you undoubtedly could find him and you're paid current. Have you made any attempt to take this account here and put it back into the regular account where you and the secretary-treasurer would sign checks?

A. No, I have not. I haven't done that because the man is still making it very difficult for me to pay current expenses. I can't find the man. I have to beg this man to come into the union hall to perform his duties. And so I just left it -- left it stay that way in case I need it again and I figured that I'd be needing it every day.

BY THE CHAIR:

Q. Mr. Bailey, isn't it a fact that there are more than two signatures in the bank and that any two officers can sign these checks?

A. I didn't understand your question.

Q. Isn't it a fact in the Bank of West Baton Rouge that there are three signatures on those checks and any two officers can sign it; isn't that a fact?

A. I don't know what you're talking about.

Q. How many signatures in the bank -- a West Baton Rouge bank?

A. Nobody but mine that I know of.

Q. I didn't say the First National Bank, Mr. Bailey, --

A. Oh, the Bank of West Baton Rouge?

Q. -- the Bank of West Baton Rouge, how many signatures in that bank?

A. Well, as far as I know, only mine and Mark Young's.

Q. You don't know of anybody else's?

A. I don't know of anybody else.

THE CHAIR: I'd like to introduce these in evidence where Mr. Bailey, Mr. Montgomery, and Mr. -- Alton Bailey and Mr. Mark Young signed these two checks.

A. Mr. Who?

BY THE CHAIR:

Q. Montgomery, Bailey and Mark L. Young.

A. Well, I don't know --

Q. And you signed the checks, Mr. Bailey.

A. Montgomery signed the checks?

Q. His name is on here, Mr. Bailey.

A. Alvin Montgomery has never signed any checks since I've been president.

Q. The bank accepted the checks, Mr. Bailey.

A. Not since I've been president Alvin Montgomery has never signed any checks.

Q. Who is this on here?

A. I don't know who you're talking about.

Q. Alvin Montgomery, Alton Bailey and Mark L. Young. There they are.

MR. CHITTENDEN: Let me see something.

A. If you'll let me see them, then I'll tell you what they are.

BY THE CHAIR:

Q. There are three signatures on that check.

A. Well, I don't know --

Q. When there are three signatures on a check, any two officers can sign them.

A. Well, I don't know anything about Alvin --

Q. You had no reason to open that other account.

A. I know nothing about Alvin Montgomery signing checks.

Q. There they are there. You signed the checks, Mr. Bailey.

A. Well, I haven't seen them yet.

Q. We'll show them to you.

A. That's what I want to see.

Q. We're going to show them to you. We'll introduce them into evidence. There they are.

A. That's exactly what I want to see.

Q. We'll find a lot of them in here that way.

A. Oh, that's not Alvin Montgomery's signature.

Q. Who is it? There are three signatures on that check.

A. Listen, let me explain that to you. You see, this is supposed to be a photostat here.

Q. Yes.

A. If you'll let me see a check as I've asked you --

Q. Well, you've got them. Go ahead and explain it to me.

A. Well, I'll give you the answer. I'll give you the answer.

Q. Go ahead and explain it to us, Mr. Bailey.

A. This is not Alvin Montgomery's signature.

Q. Whose is it?

A. When I was making out this check and signed it after I listed it in my book, I put this Alvin Montgomery here because at the time I was looking at the name on the check, and I started to write the name that I saw, and I --

Q. Mr. Bailey, would you do it on two or three different checks?

A. That's right. That's right. It's a habit that I have. When I'm writing and I'm looking at Alvin Montgomery's name here -- I'm writing checks, you understand? So I start writing like this.

Q. Yes. You're not writing checks; you're signing checks.

A. This is my writing on the check, nobody but me.

Q. Yes, but you didn't make out the check.

A. No. Nobody made it out except Mark Young. Nobody signed it except myself and Mark Young. That's my writing there. Alvin Montgomery, you see, is scratched out.

Q. No, no, it's not scratched out on all the checks, Mr. Bailey.

A. It's scratched out. You see, that check is for Alvin Montgomery.

Q. Yes, but you wouldn't sign it down there where the signature of the officers are, Mr. Bailey.

A. Alvin Montgomery has nothing to do with signing checks. And that is not Alvin Montgomery's signature. That's my writing on that check.

MR. CHITTENDEN: We'd like to state to you, Mr. Bailey, in the future --

A. I could have -- I mean I could have voided the check, but that wasn't necessary.

MR. CHITTENDEN: In the future if you should do something like this, you make sure that you void that check. Not only can you get into trouble with your own local, your International district, but you can also be charged -- this type of action--with forging the signature on this kind of stuff there.

THE CHAIR: I think we ought to take a trip to the bank to see why the bank accepted a check with three signatures on it.

A. Well, if they had bounced it back, I would have made another one, that's all.

MR. CHITTENDEN: In the future make sure you void those checks.

A. Alvin Montgomery has nothing to do with signing those checks.

BY MR. HENRY:

Q. Mr. Bailey, did I hear you say that you haven't deposited any check as far as the money received for any check-offs?

A. No check-offs have I deposited because they have to be calculated, the hours have to be calculated and the money has to be sent to the district and International. And I recently received all of it from all the companies.

Q. How recently?

A. Oh, a couple of weeks ago. And I haven't had time to calculate it because I've been in court for the last two or three weeks.

Q. Did you make any attempt to turn that money over to the secretary-treasurer or the financial secretary-treasurer so that he could deposit it?

A. The secretary-treasurer picked some of it up.

MR. CHITTENDEN: Mr. Henry, I think we established that fact already. We're plowing

old fields again here, and the committee is starting to do the same thing.

MR. HENRY: I never asked him if he had ever referred this money to the secretary-treasurer of the check-off. I don't think anybody else has asked him that either.

MR. CHITTENDEN: Evidently you might have been out when Mr. Bailey established that in the beginning that he did not send any checks whatsoever-- he also has the checks here if we want to see them -- that no checks whatsoever of check-off was deposited; he has them right here now; nor did he send any money to the International district.

MR. HENRY: Mr. Chairman, I'm trying to find out who is the proper custodian of money in 1830. Is it the president or is it the secretary-treasurer?

MR. CHITTENDEN: The constitution, Mr. Henry, states it's the secretary-treasurer.

MR. HENRY: But the secretary-treasurer doesn't have it; Mr. Bailey says he has the checks here now.

MR. CHITTENDEN: I understand what you're saying, Mr. Henry.

A. Checks for check-off, I have them here now. They have not been deposited in the bank because the money does not belong to the loca; it belongs to the local and to the district and the International. It has to be calculated and divided properly. You can't do this if you get rid of the checks.

BY THE CHAIR:

Q. I mean that wouldn't keep you from putting down what the checks call for and deposit them in the bank, would it?

A. This is what it would do. At one time our treasury was very low and if we started writing checks on money that didn't belong to us the district and the international wouldn't get their money, so I don't put it in there so we can't spend it.

MR. GLADNEY: Mr. Chairman, May I ask him a question now?

THE CHAIR: Yes.

MR. CHITTENDEN: Mr. Gladney, if we can try to shorten our questions down now, all of the secretaries are about to run out of writing material and so we want to try to get the best in the record, try to get the most important questions that you have to ask, try to get the answers in the record.

BY MR. GLADNEY:

Q. Mr. Bailey, they have a charge in here that on Monday, June 16th of this year that --

A. I have a what, Mr. Gladney?

Q. They have a charge here against you that you --

A. Oh, I misheard.

Q. -- "...on Monday, June 16, 1969, aided and assisted by certain other members of the Local, who purported to act as officers of

the Local, did, in violation of the Constitution of International and in violation of the Constitution of the Local, introduce, read and pass certain legislation which amended the Constitution of the Local without notice to the membership, without..." --

A. What date was that supposed to have been done?

Q. That was supposed to have been done on June 16th, 1969, at the meeting which is shown by minutes in the offering marked "Respondent No. 8, 9 and 10."

A. Right.

Q. Now, did you take any action at that meeting on June 16th, 1969, to amend the constitution of the local or the international?

A. No, sir.

Q. Do you have any idea what they are referring to when they say --

A. Yes. They are referring to this resolution that we just finished talking about, giving me the authority to sign checks alone. What they are contending is that we amended the constitution here, but we did not amend the constitution. We suspended the constitution.

MR. HENRY: In accordance with the constitution.

A. That's right. There's a big difference between amending and suspending, and I'll tell you what it is if you'll let me.

BY MR. GLADNEY:

Q. You may.

A. As I said, we suspended the constitution and we did it in accordance with the constitution. We suspended -- we suspended that part of the constitution and this is the authority for doing it. There's nothing in here that covers suspending the constitution, and so we referred to Cushing's Manual as the constitution directs us to do.

BY THE CHAIR:

Q. Mr. Bailey --

A. Yes, sir.

Q. -- at the time that you were supposed to have suspended the constitution, --

A. We did suspend it.

Q. I'm asking, Mr. Bailey, -- let me ask you the question and you answer it. Then at the time you were supposed to have suspended the constitution -- what you did was to try to amend it -- was the membership notified in advance of the meeting and what the purpose of the meeting was for?

A. That wasn't necessary, no.

Q. Were they notified?

A. The answer is no. The answer is no.

Q. You answered the question. You answered the question.

A. The answer is no. "All questions not covered..." -- this is Section 2 of Article IX and it reads as follows: "All questions not covered by the Constitution or these By-Laws shall be decided according to Cushing's Manual of Parliamentary Procedure."

BY MR. GLADNEY:

Q. You read from what book?

A. I read from the Constitution and By-Laws of Local 1830.

BY THE CHAIR:

Q. Mr. Bailey, inasmuch as you did this, you draw me into it; I just want to ask you a question. Both Cushing's Manual and Robert's Rules of Order --

A. Right.

Q. -- what does it say about changing the constitution; how can it be changed?

A. Well, the constitution is --

Q. You suspended it --

A. -- as you said --

Q. -- at the same time you amended it. Now, what does Robert's Rules or Cushing's Manual tell you?

A. Suspending, you say? What does it say about suspending?

Q. Not suspending, but you changed the constitution.

A. Well, I mean you don't change the constitution when you suspend it.

Q. Well, what does Robert's Rules or Cushing's Manual say about changing the constitution?

A. What you do you suspend a rule for an indefinite period and when you find it feasible you -- you --

Q. I refer -- that's right, Mr. Bailey, you've answered my question. I refer to the document Mr. Gladney introduced in evidence which he so stated that there was a resolution in the meeting to amend the constitution.

A. Well, the resolution is here; it speaks for itself. It says suspend; it doesn't say amend. It speaks for itself. I mean yourself you have heard it but apparently you haven't understood it. S-u-s-p-e-n-d; it doesn't say amend, and I did it according to Cushing's Manual and according to this constitution here.

Q. Mr. Bailey, you suspend the rule -- you can suspend the rules of order for one night but you can't do it indefinitely.

BY MR. GLADNEY:

Q. Now, Mr. Bailey, this action that you've been --

BY THE CHAIR:

Q. Not indefinitely, now.

A. Well, this --

BY MR. GLADNEY:

Q. -- this action that you've been describing to the committee here, did you personally do that or did the membership vote to do what you --

A. The membership voted to do it.

Q. By what motion?

A. By -- as shown by the minutes of the regular membership meeting of June 16th, 1969.

THE CHAIR: Mr. Gladney, --

MR.GLADNEY: Yes, sir.

THE CHAIR: -- let me say this. As an attorney for Local 1830 -- again I'm going to go into something I don't like to. You know as an attorney, and I think you are well versed on both Robert's Rules and Cushing's Manual, that in no way can an organization suspend the rules indefinitely of a constitution.

A. We suspended them according to --

BY THE CHAIR:

Q. Now, wait, I'm talking to Mr. -- I'm talking to your attorney. Will you be quiet?

THE CHAIR: You know without a reasonable doubt that the constitution of any local cannot be suspended indefinitely, and as an attorney for that union I think if you are representing Mr. Bailey you show -- so guided him that way. You either did it for one of two purposes, you let him get into this trap for self gain or you didn't

care nothing about the organization that you supposedly represent.

MR. GLADNEY: Is that a question or a statement?

THE CHAIR: I just told you what I thought.

MR. GLADNEY: Well, I think if you'll read Cushing's Manual on Parliamentary Procedure, you'll find out that you can suspend rules --

THE CHAIR: You can suspend it -- you can suspend it during a particular meeting to go into another question, but there's nowhere in Cushing's Manual or Robert's Rules where you can suspend it indefinitely.

MR. GLADNEY: Well, I don't think --

THE CHAIR: You know that.

MR. GLADNEY: -- that the resolution says that it would be suspended indefinitely.

THE CHAIR: He just said that -- he just said -- I'm going on the basis of what Mr. Bailey said.

MR. GLADNEY: He used the word indefinite --

THE CHAIR: He said they suspended it indefinitely.

MR. GLADNEY: He said that word but the resolution --

THE CHAIR: It's in the record what he said.

MR. GLADNEY: -- the resolution doesn't say that.

BY MR. GLADNEY:

Q. Now, the next question is --

MR. GLADNEY: You gave my answer on that. I'm very familiar with Cushing's Manual.

BY MR. GLADNEY:

Q. The next question is that you are charged with,... the duly elected financial secretary and the duly elected recording secretary have been excluded from the union hall, their minutes and other documents required for the performance on their duties having been taken into the exclusive custody of President Alton J. Bailey ..." Now, I ask you is that true; do you know anything about such a charge?

A. That is not true. The union hall is open every day except Saturdays and Sundays from 9 o'clock in the morning until 5 o'clock in the afternoon.

Q. Has Mr. Mark Young been excluded from the hall?

A. Well, how can he be excluded when the doors are wide open? No, he has not been excluded from the hall. What Mr. Mark Young means is that he wants a key to -- he wants access to the building any -- any time he wants it, twelve o'clock at night, one o'clock in the morning or any other time he sees fit to come in, open the safe or to do whatever he wants to do with the records of the organization. I don't see it that way.

BY THE CHAIR:

Q. Isn't he financial secretary of the local?

A. Yes, he's financial secretary of the local. That doesn't give him the authority --

Q. Does he have access to the combination of the safe of the local?

A. I'm supposed to have access to it.

Q. I said does Mr. Young have it?

A. I'm supposed to have access to it.

Q. I said does Mr. Young have it?

A. No, he does not. He had it until he abused it.

Q. Who is responsible for the local financing and the handling of the financing and who are bonded to handle the local financing?

A. Well, I would think that the president of the body is responsible for the handling of the financing.

Q. I didn't ask you that.

A. Well, I'll say-- I'm answering your question. I'm as responsible for the handling of the financing of this organization as Mark Young is.

Q. The constitution of the International Longshoremen's says the secretary-treasurer of the local is responsible for all financing.

A. Well, this one doesn't put it that way. I don't know which one you are reading from.

Q. But anything in your constitution that's in conflict with the International constitution is no good.

A. Well, I have the International constitution and I haven't seen that in it. That's what I want to see. I want to see that.

MR. HENRY: Mr. Chairman, I would like to say this. I don't think we are here for the purpose of getting in any controversy as far as the --

THE CHAIR: We are not in a controversy, Mr. Henry, but we want to get the man straight and his lawyer is supposed to have told him.

MR. HENRY: -- as far as the law is concerned. I just -- I don't know whether Mr. Bailey knows this or not, but if the financial secretary-treasurer is responsible, as he is in most of the locals, for handling of the funds, he is the man that's supposed to collect the funds, deposit the funds in the bank --

A. He does that.

MR. HENRY: -- or either if it is to be kept in the office he should have the combination to the safe. I just want to say I'm president of the largest local of the I.L.A. in the south and the second largest in the country; I'm the president and I don't see money. I don't even know the combination to the safe. My secretary-treasurer is standing behind you over here; he collects the money; he deposits the money. The president as far as the I.L.A. is concerned and International, too, is Secretary Harry Hasselgren. No money goes

to Mr. Gleason or anybody else; it goes to the secretary-treasurer.

A. Mark Young does the same thing when he --

BY THE CHAIR:

Q. Let him get through.

A. -- when he chooses to do so, but he chooses not to do so. You have a man back here who is your financial secretary whom you can trust and who is competent to do his work. I have a man who would cut my throat if he got the chance any time.

Q. Mr. Bailey --

MR. HENRY: Let me finish. I mean --

A. I cannot trust him --

BY THE CHAIR:

Q. Mr. Bailey --

A. -- and I'm not going to give him access to my funds without keeping a close rein on him.

BY MR. HENRY:

Q. Mr. Bailey --

BY THE CHAIR:

Q. Your funds?

A. Well, that's what I said; they are mine while I'm handling them.

BY MR. HENRY:

Q. -- I agree with you that I have complete confidence in the secretary-treasurer of the organization I'm president of, and I let him handle the funds because if he misuses the funds I'm going to be in a position to send him to jail.

A. Well, I'm not going --

Q. I don't touch these funds.

A. I'm not going to let anybody misuse the funds knowingly. And I'm going to keep on --

Q. I wouldn't let nobody knowingly either.

A. I'm not going to keep --

Q. But that's his position; he was elected secretary-treasurer.

A. Well, I can read what his duties are --

THE CHAIR: Wait; let me read this --

A. -- from my constitution; I don't know what yours are.

THE CHAIR: Let me read this into the record. Mr. Bailey has never heard of it and I think we --

A. I don't know what you've got to read out of. I just read a while ago --

THE CHAIR: I'm going to read it to you people here into the record.

MR. GLADNEY: Mr. Chairman, instead of just

reading it in the record, how about just offering the international constitution?

THE CHAIR: No, I'm not. It's not my book and I'm not offering it and I'm going to read it in the record.

MR. GLADNEY: Don't you have an extra book?

THE CHAIR: No, not now and we'll need to tomorrow. I think it's part of the record as such. Page 26, Section 7, "The Financial Secretary or Treasurer shall receive all monies paid to the Local Union and deposit them in its name in such bank or banks or invest them in such government securities as the Executive Board may direct. Unless otherwise provided by the By-Laws, he shall sign all checks drawn upon the Local Union. He shall keep true and accurate accounts of all his transactions as Financial Secretary or Treasurer and shall make reports thereon to the Executive Board and the Local Union, and shall have such further powers as are usual to his office. The Financial Secretary or Treasurer of the Local Union, or such other officers as the By-Laws may designate, shall keep a record of the names and addresses of all members of the Local Union, and shall advise the International Secretary-Treasurer monthly of the names and addresses of all members initiated, transfered..."

BY THE CHAIR:

Q. So you said you hadn't seen it. That's the international constitution.

A. Well, I still haven't seen what you said, and I don't --

Q. It's the international constitution. I didn't print it.

A. That's not what you said.

Q. I didn't say it. You said your money. It's the union's money; it's not your money.

A. Well, that's what I mean.

Q. And the local union bonded him to handle their monies.

A. Well, --

Q. It's not your responsibility --

A. -- he is not --

Q. -- your responsibility to get the dues.

A. -- locked out of the union hall and he is not locked away from his records; he has access to them during the working hours. He can get them any time he wants to, but he can't come in and take them home. He can't come into the union hall and go into the safe at any hour of the night while I'm president.

BY MR. CHITTENDEN:

Q. Mr. Bailey, by your own constitution, and this is your own constitution, it states here, page 15, Article 8, the duties of the financial secretary-treasurer; it's your own one and actually the monies -- all monies collected by that association should be collected by him, banked by him and he should be custodian of it. Of course, that's all the checks signed by

him and by you, he should be authorized. Your own constitution gives him this right. We say that this man, regardless of who he is, should be given that right and those records --

A. He has that right.

Q. Now -- just a minute, Mr. Bailey -- if for any reason you feel that there's some warranty that this man is not performing his service, you certainly have full access to the district and the International or -- correction -- yourself.

(REPORTER'S NOTE: There is no testimony missing at this point.)

A. Mr. Chairman, I have made just many complaints to the international without even a reply over a long period of years.

BY THE CHAIR:

Q. You mean about the finances?

A. No, I mean since I've been a member of this organization about a lot of things.

Q. I mean about the finances of this local.

A. I said about a lot of things.

Q. I'm just asking you for one specific question.

A. No, I haven't addressed no complaints about Mr. Mark Young; no, I have not.

Q. That's all I asked you, just one question.

A. But it doesn't necessarily follow that I'll get a reply for him because I haven't gotten any in the past.

BY MR CHITTENDEN:

Q. Mr. Bailey, to finish up this question, he's also bonded, and if there's any falsifying of records or any loss of money or any money that's stolen or misplaced --

A. This man isn't doing his job. He isn't doing his job. He doesn't -- he doesn't make himself available to do the things that this book says he should do.

Q. Look, I might agree with what you're saying, but the case is this, how can he perform his job if you're willfully taking half of his job away from him by not letting him collect this money or hold it and do the things --

A. I am not stopping from collecting anything. As far as the office secretary collecting quarterly dues and initiation fees, this was done ever since this local has been in operation; I found it being done that way, and it's still being done that way.

Q. Mr. Bailey, we say fine, you might have found it -- that's true, you might have found it being done that way but it was wrong then and it's wrong now. We're saying to you it is wrong, so it should be stopped.

A. Well, the financial secretary -- as he says, it has always been a part of our financial secretary. It's impossible for him to perform his duty.

BY MR. GLADNEY:

Q. And work on the job?

A. And work on the docks.

BY THE CHAIR:

Q. Nobody else in the constitution has the right to perform his duties regardless of whether he's working on the job or off the job.

A. Well, that's what he -- that's the excuse himself gave to me.

Q. That's what the constitution says, he didn't give it, the international constitution, nobody has any right to perform the secretary-treasurer's duties of the organization but him.

A. I'll say he has a duty to perform.

MR. CHITTENDEN: Are you finished with the witness now, Mr. Gladney?

THE CHAIR: Are we through? Mr. Gladney, are you through?

(OFF THE RECORD DISCUSSION)

THE CHAIR: Mr. Gladney, if you want to recess, we'll let Mr. Cole go ahead with the witness.

MR. GLADNEY: I tender the witness to Mr. Cole.

MR. CHITTENDEN: All right, you are not recessing and tender the witness to Mr. Cole. You've got him, Mr. Cole.

MR. COLE: I have no questions for the witness.

MR. CHITTENDEN: No questions.

THE CHAIR: We are calling this hearing to an end.

MR. HENRY: Mr. Chairman, I would like for the record to show that it's eight minutes of twelve now and that we adjourn.

WITNESS EXCUSED AT 11:52 P.M.

HEARING ADJOURNED

TO THE HONORABLE PRESIDENT AND EXECUTIVE BOARD OF THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION:

We, the undersigned members in good standing of the International Longshoremen's Association doe hereby petition the International as follows:

That an election of officers of the Local was held in January of this year under the auspices of the International.

That intimidation, threats and other coercion was used on the membership of the said Local which unduly influenced the outcome of the said election;

That the contract negotiated by the representatives of this Local and Local 1833 was submitted to the membership of both Locals. A referendum election conducted on February 22, 1969, at Port Allen, Louisiana;

That the contract was rejected at the said referendum by virtue of intimidation, threats and other coercion exerted upon the membership of Local 1830 by the newly elected officers and Board of the said Local; and

That the actions of the said newly elected officers of Local 1830 have been such as to cause a complete breakdown of the collective bargaining system at the Port of Greater Baton Rouge, causing hardship and misery to be inflicted upon the membership of this Local; and,

That the president, Alton J. Bailey, did on the 17th day of March, 1969, fail and refuse to hold special called meeting petitioned for by the members under the terms of the Local constitution; and

That on the 17th day of March, 1969, while personnel who worked for Cargo Carriers and at the Burnside Terminal were employed President Alton J. Bailey did allow those persons to vote on the deep sea contract for the Port of Baton Rouge; and,

WHEREAS, President Alton J. Bailey has constantly refused to hear legitimate complaints of the members of the Local;

WHEREAS, President Alton J. Bailey has refused to attempt to bargain in good faith with sister Local 1833 and with the management of the Port of Greater Baton Rouge; and

WHEREAS, President Alton J. Bailey has handled certain check off funds belonging to the Local, District and International for an extended period of time but has to date failed to file with the Local a bond and has indeed subverted certain funds from the checking account of the said Local and has placed same in a checking account in the First National Bank of Port Allen which requires only his signature, all in violation of the Local and International Constitution and the laws of the United States; and

WHEREAS, on Monday, June 16, 1969, President Alton J. Bailey, aided and assisted by certain other members of the Local, who purported to act as officers of the Local, did, in violation of the Constitution of International and in violation of the Constitution of the Local, introduce, read and pass certain legislation which amended the Constitution of the local without notice to the membership, without due reading at two successive meetings, all in violation of the Constitution of Local 1830 and the International Constitution; and

WHEREAS, the duly elected financial secretary and the duly elected recording secretary have been excluded from the union hall, their minutes and other documents required for the performance of their duties having been taken into the exclusive custody of President Alton J. Bailey; and,

WHEREAS, it is the desire of the undersigned membership that the International Longshoremen's Association assume the responsibility of representing the membership of this Local until such time as an orderly democratic society can be restored.

NOW, THEREFORE, the undersigned membership of this Association do petition the Honorable President and Executive Committee of the International Longshoremen's Association to institute a trusteeship of the said Local under the terms and conditions outlined in the International Constitution and the National Labor-Management Reporting and Disclosure Act, which trusteeship should continue until such time as the International can determine that stable and responsible leadership is restored to the Local making it possible for the membership to engage in collective bargaining with the Baton Rouge Management and govern their own affairs.

THUS DONE AND SIGNED at Port Allen, Louisiana, this 26th day of June, 1969.

s/ Louis Harden
s/ Youlon Young
s/ Emrick Portree
s/ Joseph Burley
s/ Willie Robinson
s/ Albert Stewart, Jr.
s/ Henry Gray
s/ Louis Williams
s/ Martin Washington
s/ Lloyd Collins, Sr.
s/ D. C. Collins, Jr.
s/ Joe Williams, Jr.
s/ Roosevelt Green
s/ Ernest S. Young

TO THE CHAIRMAN AND HONORABLE MEMBERS OF THE TRIAL COMMITTEE OF THE EXECUTIVE COUNCIL OF THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, REPRESENTING THE HONORABLE THOMAS W. GLEASON, PRESIDENT:

LOUIS HARDIN, ET AL,
CHARGING PARTIES

VERSUS NUMBER

ALTON J. BAILEY

OPPOSITION TO PLACING LOCAL NO. 1830 OF THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION IN TRUSTEESHIP

Now comes, Local Union No. 1830 of the International Longshoremen's Association at Port Allen, Louisiana, represented herein by its duly elected president, Alton J. Bailey, and with leave of the trial committee files this opposition to the hearing and charges filed against Alton J. Bailey for the purpose of placing this union in trusteeship and says:

1

That the petition signed herein dated June 26, 1969, requesting the International Longshoremen's Association through its president to place Local Union No. 1830 of ILA at Port Allen, Louisiana, in trusteeship, states no basis for the executive council of ILA to recommend such action, no basis for the President of ILA to place the Local Union in Trusteeship for the following reasons:

1. The objects and purposes of this Local Union No. 1830 are to promote the welfare and to advance the interests of the members and

the cause of organized labor; to care for its sick or injured and destitute members and their widows; to engage in any business pursuit that will rebound to the credit of the organization; and to promote the best interests of the ILA; to bargain collectively on behalf of all the workers within its jurisdiction, and to negotiate, make and administer collective agreements; to improve the wages and hours of work and to increase the job security and better the working and living conditions of all the workers employed within its jurisdiction; to secure and promote laws for the benefit of all the workers within its jurisdiction and labor generally; to engage in political education and to foster civic interest among its members and labor generally; to engage in educational activities and to further educational opportunities of its members and their families; to promote health, welfare, pension, recreational and civic programs in the interest of its members and their families and the workers within its jurisdiction; to establish, maintain, and operate clinics, hospitals, labor union hall, and labor temple; to unite with other labor unions and other labor bodies; to assist charitable, religious and educational bodies and institutions; to instill a spirit of patriotism and devotion to country among its members and their families and within the labor movement; to carry out and enforce provisions of its constitution and provisions of the constitution of ILA; to publish newspapers, periodicals and other literature to aid in the carrying out in the foregoing objects and purposes; and to do all things necessary and proper, permitted by law, to carry out the foregoing objects and purposes; that the above and foregoing is what the union and its members have been doing in the past and intend to continue doing in the future.

That since the charges brought against Alton Bailey failed to state any improper action on the part of Local Union 1830, of ILA, the charges failed to state a cause of action against the Local Union 1830 of ILA which may serve as a basis or reason for placing the Local Union in trusteeship under the ILA Constitution.

WHEREFORE, the Local Union No. 1830, of ILA, requests this petition, suggesting a trusteeship for the Local Union No. 1830 of ILA, should be denied as a demand for illegal action on the part of ILA as in violation of order of Federal Court dated June 27, 1969.

By Attorneys

s/ Joseph A. Gladney
JOSEPH A. GLADNEY
Suite 114, Attorneys' Building
300 Louisiana Avenue
Baton Rouge, Louisiana

s/ Johnnie A. Jones
JOHNNIE A. JONES
The JoAnSEAD Building
1263 Government Street
Baton Rouge, Louisiana

TO THE HONORABLE THOMAS W. GLEASON, PRESIDENT OF THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AND TO THE EXECUTIVE COUNCIL OF THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, REPRESENTED HEREIN BY THE CHAIRMAN AND MEMBERS OF THE TRIAL COMMITTEE OF THE EXECUTIVE COUNCIL OF THE INTERNATIONAL LONSHOREMEN'S ASSOCIATION:

LOUIS HARDIN, ET AL,
CHARGING PARTIES

VERSUS NUMBER

ALTON J. BAILEY

OPPOSITION TO HEARING

Alton J. Bailey, as member and president of Local Union No. 1830, International Longshoremen's Association, hereinafter referred to as ILA, asks permission of this trial committee to file this, his statement opposing the authority of this trial committee to hold this hearing on charges brought by members of the Local Union No. 1830 of ILA requesting that the Local be placed in trusteeship and in opposition to said petition alleges:

1

That charges served on the respondent, Alton J. Bailey, on or about July 15, 1969, failed to state any wrongdoing on the part of Alton J. Bailey and/or any officers of Local Union No. 1830 of ILA which appear to be in violation of the Constitution of ILA or of Local Union No. 1830 of ILA.

2

The members who signed the petition provoking this matter are in the minority and do not represent the consensus of the membership of Local 1830 of ILA, representing less than ten (10%) per cent of the membership of the union, as shown by a petition attached hereto and made a part hereof, signed by members of Local 1830 of ILA, being over two-thirds (2/3) of the membership of said Local; and, consequently said charges should be dismissed as being invalid and without merit in view of Section 3 of Article XVI of the Constitution and By-Laws of the General Longshore Workers International Longshoremen's Association, Local Union No. 1830, Port Allen, Louisiana, the original of which is attached hereto and made a part hereof.

3

This trial committee is without jurisdiction to hear any disciplinary charges brought against Alton J. Bailey, as president or a member of Local 1830 of ILA, because the charges were not preferred or initiated by filing written charges with the Recording Secretary of Local 1830 of ILA as required by Section 3 of Article XVIII of the Constitution and Rules of Order of ILA, AFL-CIO, and Sections 1, 2, and 3 of Article XVI of the Constitution and By-Laws of the General Longshore Workers International Longshoremen's Association Local Union No. 1830, Port Allen, Louisiana.

4

In view of the procedure being taken in violation of the Constitution of ILA and of Local 1830 of ILA to place Local 1830 in

trusteeship, this trial committee and the officers of ILA are in violation of that order and judgment granting a preliminary injunction signed June 27, 1969, by the Honorable E. Gordon West, District Judge of the Eastern District of Louisiana, United States District Court, in the case entitled "Alton J. Bailey, et al vs. George Dixon, et al," bearing Civil Action No. 69-109, a copy of which order is attached hereto and made a part hereof; whereby the ILA was enjoined from placing the Local Union No. 1830 of ILA in trusteeship unless it was done without violating the Constitution of the ILA.

5

Charging parties are parties of conflicting interests, one or some of whom are officers of Local Number 1830 ILA.

6

The charges are invalid under the Constitution and Rules of Order of ILA and the "Order Granting Preliminary Injunction" in that judicial proceeding entitled and numbered "Alton J. Bailey, et al vs. George Dixon, et al," Civil Action No. 69-109 of the Docket of the United States District Court for the Eastern District of Louisiana, Baton Rouge Division.

7

The charges are invalid because they are contrary to the applicable provisions of the National Labor-Management Reporting and Disclosure Act of 1959, as amended.

8

The charging parties are attempting to

replace the officers of the Local 1830 without a constitutional election and contrary to democratic processes.

9

The "Petition of Specification of Charges" is too vague, indefinite and so latent with ambiguity to be sufficient to serve notice of any charge whatsoever against the opponents, Alton J. Bailey, et al, opponents in conflict of interest excepted.

10

The "Petition of Specification of Charges" raises no valid charge against Alton J. Bailey upon which this Committee can authoritatively act or grant a semblance of relief toward satisfying the desires of the charging parties.

WHEREFORE, the opponents, Alton J. Bailey, et al, desire and do hereby request that the "Petition of Specification of Charges" be declared invalid and without merits, and that same be avoided and dismissed against Alton J. Bailey, et al, opponents in conflict of interest excepted.

THUS DONE AND SIGNED at Baton Rouge, Louisiana, this 12th day of August, 1969.

s/ Alton J. Bailey
ALTON J. BAILEY

Of Counsel:

s/ Joseph A. Gladney
JOSEPH A. GLADNEY
Suite 114, Attornsy Building
300 Louisiana Avenue
Baton Rouge, Louisiana

s/ Johnnie A. Jones

JOHNNIE A. JONES
The JoAnSEAD Building
1263 Government Street
Baton Rouge, Louisiana

TO THE CHAIRMAN OF THE EXECUTIVE COUNCIL OF THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION:

We, the undersigned members of Local #1830 I.L.A., Port Allen, La., do hereby express our complete faith and confidence in Alton J. Bailey, duly elected President of said Local #1830, and do hereby further express our complete approval of the manner in which he has conducted and is conducting the affairs of this organization, and do hereby declare that there are no conditions existing within this organization under which a valid trusteeship could be established, and therefore we do hereby call upon the officials of the I.L.A. to discontinue their efforts to establish an envalid trusteeship over this organization based upon unfounded charges filed by a handfull of disident members.

This done and signed this 21st day of July, 1969.

s/ Antoine R. Boudreaux	s/ Dorsey Ferguson
s/ I. David Foreman	s/ Louis Bailey
s/ Byron Harden	s/ William Parker
s/ Albert Sterling, Jr.	s/
s/	s/ W. H. Smith
s/ Julius L. Johnson, Sr.	s/ Oscar L. Johnson
s/ Joe Willis	s/ Gussie Johnson
s/ Joseph M. Forrest, Sr.	s/ Freddie Borris
s/ Arthur James Porter	s/ Lawrence Stepteaux
s/ Junior Byrd	s/ Willie Smith
s/ Eddie Smith, Sr.	s/ L. E. Smothers
s/ Earl Thompson	s/ Melvin Irvin, Jr.
s/ Richard Clark	s/ WillieSims
s/ W. J. Washington, Sr.	s/ Charlie Polk, Jr.
s/ Freddie Hollins	s/ Glendent Davis, Jr.
s/ Bertel A. Borris	s/ Hymel Branch, Jr.
s/ Clarence Bessix	s/ William Grant
s/ Earl McQuillon	s/ George Green
s/ A. Montgomery	s/ Charles Sterling

s/ Israel L. Robillard
s/ Louis Williams
s/ Robert Jackson
s/ Claiborne Stewart, Jr.
s/ James
s/ Raymond Jones
s/ Earnest Cook
s/ Mack Plamés
s/ Rev. Wm. Gordon
w/ Willie Johnson
s/ John LaRose
s/ Willie I. George
s/ Elton Gaines
s/ Phillip Bessix
s/ Jerry Meyers, Sr.
s/ Leroy Antoine
s/ James Antoine
s/ Frank Lockett
s/ Lawrence Roberts
s/ Willie Hansbrough
s/ Henry Matton, Jr.
s/ Joseph Henry, Sr.
s/ Johnnie Jackson
s/ Albert Dennis
s/ George Jenkins
s/ Leonard P. Orvino
s/ Mannie Conish, Sr.
s/ Lawrence Cutno, Jr.
s/ Alfred Anderson
s/ Horace Braxton
s/ Charles L. Bringier
s/ Peter Brown, Sr.
s/ Realious Claiborne, Sr.
s/ Van Washington
s/ Louis L. Perkins
s/ Nathaniel Simmons
s/ Arsane Williams
s/ Walter Thomas
s/ Melvin Irvine, Sr.
s/ Richard Burl, Jr.
s/ Witlz Howard
s/ James Fluence

s/ Lucien Perkins
s/ Lionel James
s/ E. Carter
s/ J. Carter
s/ Dan Perkins
s/ Lucien Lejeune
s/ Frank Earl
s/ John Hill
s/ Herman Hill
s/ Henry Johnson
s/ Ernest Davis, Sr.
s/ Danny Johnson, Sr.
s/ Johnny Jackson
s/ Edward Davis
s/ Fred Isadore
s/ Earnest Jackson
s/ Edward Carter
s/ Willie Franklin
s/ Orris Duncan
s/ Samuel Brown
s/ Joseph J. Murray
s/ Melvin Kadar
s/ Lucas Berth
s/ Joseph Chatman, Jr.
s/ William M. Jackson
s/ Hayes Granville
s/ Herbert Collins
s/ Walter Cadar
s/ Felton Ghomas
s/ Chester Henderson
s/ Lloyd E. Collins, Sr.
s/ Daniel Lowery
s/ Raymond Valentine, Sr.
s/ Roosevelt Hollins
s/ Henry C. Harden, Sr.
s/ Henry C. Johnson
s/ Willie E. Jones
s/ Cleve Williams
s/ Nelson Leo

Port Allen, Louisiana
August 9, 1969
Finance Standing of Members of Local 1830
As of August 4, 1969

Name - Button No. S. S. No.	Address
1. Allen, Annious - 174 430-40-5209	Union Rural Sta. Rt. 1 Convent, La.
2. Anderson, Alfred, 115 434-16-1995	Rt. 1, Box 187 Convent, La.
3. Antoine, James, 144 433-10-5614	1241 Avenue A Port Allen, La.
4. Antoine, LeRoy, 138 439-16-0952	1148 Avenue A Port Allen, La.
5. Ausberry, Dan, 85 436-18-7153	Route 1, Box 34 Plaquemine, La.
6. Bailey, Alton J., 1 439-05-1944	810 North 19th Baton Rouge, La.
7. Bailey, Louis C., 36 437-14-4474	419 McArthur St. Plaquemine, La.
8. Banks, Joseph, 104 434-20-7613	1537 Allen St. Plaquemine, La.
9. Bartney, Johnnie, 90 439-36-1219	Route 1, Box 110A Plaquemine, La.
10. Batton, Henry Joe, 88 433-14-6566	1520 Clark St. Port Allen, La.
11. Bessix, Lawrence, 71 436-15-0055	5561 Stern St. Baton Rouge, La.

12.	Bessiy, Phillip, 98 434-16-8948	Route 1, Box 24 Maringouin, La.
13.	Borris, Bortel A., 30 433-52-8867	648 Burbridge St. Port Allen, La.
14.	Borris, Freddie, 13 437-09-8360	648 Burbridge St. Port Allen, La.
15.	Boudreaux, Antoine R. 21 - 709-14-1766	2060 Cunard Ave. Baton Rouge, La.
16.	Branch, Hymel, 78 439-58-1074	1176 Avenue C Port Allen, La.
17.	Brincier, Charles, 167 437-64-8812	Route 1, Box 213 Convent, La.
18.	Brown, Peter, 84 721-10-4393	Route 1, Box 214 Convent, La.
19.	Brown, Samuel, 95 437-09-2214	Route 1, Box 190 Plaquemine, La.
20.	Braxton, Horace, 148 436-46-1977	Route 1, Box 190 Convent, La.
21.	Burks, Joseph, 105 433-24-6847	704 Harmasn St. Plaquemine, La.
22.	Burl, Richard, 127 433-48-1404	Route 1, Box 213 Convent, La.
23.	Burley, Joseph, 47 436-10-0788	P. O. Box 198 Melville, La.
24.	Byrd, August, 111 438-24-1379	Route 1, Box 438G Port Allen, La.
25.	Byrd, Daniel, 103 435-26-5402	Rt. 1, Box 438-A Port Allen, La.

26.	Byrd, Junious, 65 458-22-0988	1360 Avenue A Port Allen, La.
27.	Cardo, Walter, 169 438-46-1012	131 North 21th Baton Rouge, La.
28.	Carter, Edward Jr., 130 435-26-5413	1028 Avenue B Port Allen, La.
29.	Carter Edward Sr., 149 433-48-0297	Route 1, Box 191 Convent, La.
30.	Carter, Joseph, 100 438-28-2829	Route 1, Box Convent, La.
31.	Chatman, Joseph Jr., 74 437-22-5778	Rt. 3, Box 62-C Baton Rouge, La.
32.	Caliborne, Realious, 82 438-52-9648	Rt. 1, Box 115-A Convent, La.
33.	Clark, Frank Jr., 67 435-26-4567	Route 1, Box 113 Plaquemine, La.
34.	Clark, Richard, 59 485-05-1504	Route 1, Box 87 Port Allen, La.
35.	Collins, Daniel C. Jr. 52 - 435-56-8630	1210 Michigan Ave. Port Allen, La.
36.	Collins, Herbert, 151 436-28-2263	2715 Curtis St. Baton Rouge, La.
37.	Collins, Lloyd W. Sr. 137	1260 Avenue Port Allen, La.
38.	Conish, Mannie Sr., 23 437-09-1517	Route 1, Box 191 Convent, La.
39.	Cooks, Ernest, 158 436-34-0492	4775 Ford St. Baton Rouge, La.

40.	Cutno, Lawrence Sr., 170 439-14-0492	Route 1, Box Convent, La.
41.	Cutno, Lawrence Jr., 128 438-56-7958	Route 1, Box 210 Convent, La.
42.	Daniels, Emmitte, 7 703-18-0222	104 N. Nadlr St. Plaquemine, La.
43.	Davis, Edward, 179 439-05-6070	928 Belle Road Plaquemine, La.
44.	Davis, Ernest, 16 434-32-8469	Route 2, Box 94 Plaquemine, La.
45.	Davis, Glendent, 55 436-14-0644	1334 Avenue C Port Allen, La.
46.	Rev. Dennis, Albert, 175 437-40-3213	511 Siminery St. Plaquemine, La.
47.	Duncan, Oris, 164 436-30-6855	Route 1, Box 136 Plaquemine, La.
48.	Earl, Frank Jr., 162 438-66-8568	Route 1, Box 213 Convent, La.
49.	Rev. Early, Horace Jr. 161 - 433-48-1125	2267 Jenkins Dr. Baton Rouge, La.
50.	Ferguson, Alexander Jr. 44 - 438-24-1476	Route 1, Box 406 Port Allen, La.
51.	Ferguson, Dorsey, 32 438-44-3231	1148 Avenue B Port Allen, La.
52.	Ferguson, Nathaniel, 43 435-20-7018	Route 1, Box 437 Port Allen, La.
53.	Fluence, James, 126 438-50-3292	Route 1, Box 161 Lutcher, La.

54.	Foreman, David, 54 435-60-1395	350 Atchafalaya Port Allen, La.
55.	Forrest, Joseph M., 26 437-24-9072	12152 Leonides Dr. Baton Rouge, La.
56.	Forrester, Henry, 106 703-18-2901	Route 2, Box 178 Port Allen, La.
57.	Fowler, James, 113 428-50-8795	402 Syemore St. Gonzales, La.
58.	Franklin, Willie, 76 433-24-6849	1221 Avenue B Port Allen, La.
59.	Gaines, Elton, 79 434-02-7644	P. O. Box 131 Maringouin, La.
60.	Rev. Gordon, William, 156	923 Avenue C Port Allen, La.
61.	Grant, William, 86 439-16-5461	1122 Stilt St. Baton Rouge, La.
62.	Granville, Hayes, 120 435-20-8579	Rt. 2, Box 252-A Port Allen, La.
63.	Gray, Henry Jr., 96 438-28-5724	Rt. 1, Box 76 Port Allen, La.
64.	Green, George, 89 435-20-2259	334 E. Washington Baton Rouge, La.
65.	Green, Roosevelt, 45 435-26-7-37	6346 Rittrmn Ave. Baton Rouge, La.
66.	Green, Taylor, Jr., 94 439-20-2259	1530 Allen St. Plaquemine, La.
67.	Hall, Charles W., 42 437-14-0491	Platrenville, La.

68.	Hansbrough, Willie, 171 428-16-4080	945 Avenue Port Allen, La.
69.	Harden, Byron L., 66 439-62-6579	676 Louisiana Ave. Port Allen, La.
70.	Harden, Henry L., 10 438-52-6707	676 Louisiana Ave. Port Allen, La.
71.	Harden, Louis, Jr., 4 703-18-1250	676 Louisiana Ave. Port Allen, La.
72.	Henderson, Chester, 73 438-24-8403	127½ Pear St. Baton Rouge, La.
73.	Henry, Joseph Sr., 64 438-26-5639	365 Atchafalaya Port Allen, La
74.	Hill, Herman, 166 439-32-9733	Rt. 1, Box 167 Convent, La.
75.	Hill, John, 60 434-42-9520	Box 77 Carrow, La.
76.	Hollins, Freddie, 77 437-20-5860	1373 Centrl Rd. Baton Rouge, La.
77.	Howard, Wiltz, 172 433-52-8313	Rt. 1, Box 517-A Gonzales, La.
78.	Hunter, Chris, 108 438-12-9243	1360 Avenue B Port Allen, La.
79.	Irvin, Leonard C., 29 435-60-4367	Rt. 1, Box 205 Convent, La.
80.	Irvin, Melvin Sr., 133 434-12-8280	Rt. 1, Box 189 Convent, La.
81.	Irvin, Melvin Jr., 134 435060-4367	Rt. 1, Box 205 Convent, La.

82.	Isadore, Freddie, 129 439-16-6356	Rt. 1, Box 295 Port Allen, La.
83.	Jackson, Ernest, 107 437-20-6319	845 N. 10th St. Port Allen, La.
84.	Jackson, Johnnie Jr., 63 436-38-6968	611 Washington Plaquemine, La.
85.	Jackson, Johnney Bill Jr. 22 - 433-14-6568	1226 Michigan Port Allen, La.
86.	Jackson, Robert, 17 434-16-9044	1560 Moody St. Port Allen, La.
87.	Jackson, Williams, 101 439-64-4946	1182 Progress Rd. Baton Rouge, La.
88.	James, Lionel, 160 439-16-5626	P. O. Box 175 Convent, La.
89.	Jenkins, George, 68 433-03-7390	P. O. Box 41 Addis, La.
90.	Johnson, Danny, 150 438-50-6280	220 Lee St. Port Allen, La.
91.	Johnson, Gussie, 112 436-04-5448	Paradise Inn Ct. Port Allen, La.
92.	Johnson, Henry Jr., 58 436-14-1949	Rt. 2, Box 81 Gonzales, La.
93.	Johnson, Henry C., 8 439-09-7077	Rt. 1, Box 418 Plaquemine, La.
94.	Johnson, Johnnie, 110 433-20-1448	1024 Avenue C Port Allen, La.
95.	Johnson, Julius L., 33 435-10-1822	218 Evergreen Dr. Baton Rouge, La.

96.	Johnson, Oscar Lee, 102 436-14-5861	604 So. 14th St. Baton Rouge, La.
97.	Johnson, William, 97 436-10-9152	Rt. 2, Box 146 Plaquemine, La.
98.	Johnson, Willie, 92 438-24-1431	1576 Sora St. Baton Rouge, La.
99.	Jones, Aaron Jr., 5 436-20-2632	1007 E. Johnson Baton Rouge, La.
100.	Jones, August, 131 434-10-1986	Rt. 1, Box 113-A Convent, La.
101.	Jones, Edison, 24 438-2481918	Rt. 1, Box 112 Plaquemine, La.
102.	Jones, Frederick, 93 439-40-5533	Rt. 1, Box 123 Plaquemine, La.
103.	Jones, Raymond R., 61 435-12-9668	1918 Arizona St. Baton Rouge, La.
104.	Jones, Willie E., 119 438-24-4601	945 Avenue C Port Allen, La.
105.	Kador, Melvin, 78 437-40-2997	1303 Avenue A Port Allen, La.
106.	Lamark, Charley, 12 439-40-538.	1009 Avenue C Port Allen, La.
107.	LeJeune, Lucien, 57 436-52-4590	Rt. 2, Box 88 Gonazles, La.
108.	LaRose, John, 118	Port Allen, La.
109.	Lockett, Frank, 163 439-40-6873	1117 Avenue B Port Allen, La.

110.	Lowery, Danile, 38 438-05-3855	2204 Haase St. Plaquemine, La.
111.	McQuillon, Earl, 6 439-36-1203	Rt. 1, Box 255 Port Allen, La.
112.	Meyers, Jerry, 81 439-16-3164	220 So. 12th Port Allen, La.
113.	Miller, John C., 20 434-44-9633	3850 Baton Rouge Baton Rouge, La.
114.	Montgomery, Alvin, 15 436-24-9278	1201 Government Baton Rouge, La.
115.	Moses, Joseph A., 116 435-20-7998	225 Leo St. Port Allen, La.
116.	Moses, Robert Lee, 125 436-42-6087	Rt. 1, Box 172 Geismar, La.
117.	Murray, Joseph J., 27 436-42-6824	1130 Avenue A Port Allen, La.
118.	Nelson, Ivory Sr., 109 436-38-3011	824 North 14th Port Allen, La.
119.	Netter, J. Harvey, 34 436-09-4034	P. O. Box 451 Port Allen, La.
120.	Palmer, Mack F., 139 483-30-9583	2821- 77th Ave. Baton Rouge,La.
121.	Parker, William, 141 439-16-0776	230 So. 12th Port Allen, La.
122.	Perkins, Dan, 99 434-12-5021	Rt. 1, Box 188 Convent, La.
123.	Perkins, Lucien C., 135 439-64-6482	Rt. 1, Box 188 Convent, La.

124.	Perkins, Louis L., 147 435-58-5860	Rt. 1, Box 188 Convent, La.
125.	Polk, Charley Jr., 152 434-32-8690	Rt. 1, Box 33 Port Allen, La.
126.	Porche, Horace Jr., 39 439-38-6705	1433 Osage St. Plaquemine, La.
127.	Porter, Arthur J., 62 437-66-4424	1203 Court St. Port Allen, La.
128.	Portree, Emrick, 72 438-10-6753	1211 Avenue B Port Allen, La.
129.	Roberts, Lawrence, 25 458-26-8255	945 Avenue C Port Allen, La.
130.	Robertson, Johnny, 14 433-34-9708	330 Elm St. Port Allen, La.
131.	Robillard, Israel L., 31 438-44-3311	8577 Elmgrove Gdn. Baton Rouge, La.
132.	Robinson, Willie, 56 461-03-0059	P. O. Box 294 Port Allen, La.
133.	Rogers, LeRoy, 155 439-40-6641	1307 Avenue C Port Allen, La.
134.	Sherbin, Leo, 146 437-20-5492	6210 Rittrmn Ave. Baton Rouge, La.
135.	Simmons, Nathaniel, 124 436-30-5310	Rt. 1, Box 92-A Convent, La.
136.	Simpton, James, 143 425-20-4477	505 Elm St. Bunkie, La.
137.	Sims, Willie A., 19 436-10-6014	1192 Bayberry St. Baton Rouge, La.

138.	Smith, Eddie Sr., 41 433-14-5142	6337 Kinciad Ave. Baton Rouge, La.
139.	Smith, Elmo Sr., 142 703-07-5014	P. O. Box 283 Port Allen, La.
140.	Smith, LeRoy, 2 262-24-4147	1774 No. 35th St. Baton Rouge, La.
141.	Smith, Willie H., 49 052-16-2706	1633 Oleander St. Baton Rouge, La.
142.	Smothers, Louis E., 70 438-38-2249	814 No. 14th St. Port Allen, La.
143.	Spriggs, Eddie, 168 437-48-6251	Rt. 1, Box 378 Port Allen, La.
144.	Stepteaux, Lawrence E. 40 - 439-16-7559	312 Marshall St. Plaquemine, La.
145.	Sterling, Albert Jr., 28 352-26-5656	1660 Stanocola Baton Rouge, La.
146.	Sterling, Charles, 165 439-50-6798	Chean St. Baton Rouge, La.
147.	Stewart, Albert Jr., 9 433-34-5449	2832 Illinois St. Baton Rouge, La.
148.	Stewart, Claiborne Sr., 50 436-34-7106	2432- 78th Ave. Baton Rouge, La.
149.	Stewart, George, 136 433-34-1074	1234 So. 14th St. Baton Rouge, La.
150.	Thomas, Coulumbus Jr. 132 - 434-12-2555	Box 177 Barrow, La.
151.	Thomas, Felton, 140 439-05-8857	9892 Avenue A Baton Rouge, La.

152.	Thomas, Walter, 75 437-14-4193	Box 146 Barrow, La.
153.	Thompson, Earl, 153 438-24-2537	287 Sonora St. Baton Rouge, La.
154.	Tillman, Henry, 37 439-22-5717	Rt. 1, Box 541 Plaquemine, La
155.	Valentine, Raymond, 11 436-14-7841	2120 Convention Baton Rouge, La.
156.	Washington, Martin, 80 723-12-1829	1510 Clark St. Port Allen, La.
157.	Washington, Van, 83 438-46-2238	Rt. 1, Box 186 Convent, La.
158.	Washington, Walter, 18 436-54-4523	Rt. 2, Box Port Allen, La.
159.	Williams, Arsane J., 123 436-34-8558	Rt. 1, Box 206 Convent, La.
160.	Williams, Cleveland, 121 436-42-5694	Rt. 2, Box 282 Port Allen, La.
161.	Williams, Eugene, 92 434-14-7423	Rt. 1, Box 113 Plaquemine, La.
162.	Williams, Joe Jr., 114 439-16-5595	928 Avenue C Port Allen, La.
163.	Williams, Lawrence, 173 436-30-0389	Rt. 2, Box 346 Port Allen, La.
164.	Williams, Louis, 91 435-26-5786	Rt. 1, Box 110 Plaquemine, La.
165.	Willis, Roosevelt, 159 434-32-8850	P. O. Box 42 Morganza, La.

6.	Wilson, Roosevelt, 35 410-12-8969	1549 Allen St. Plaquemine, La.
7.	Young, Arthur, 154 435-24-8531	800 So. 15th St. Baton Rouge, La.
8.	Young, Charley, 122 435-24-8527	Rt. 1, Box Port Allen, La.
9.	Young, Ernest, 53 439-40-6817	Rt. 1, Box 107-B Plaquemine, La.
0.	Young, Mark L., 3 439-40-5743	Rt. 1, Box 106 Plaquemine, La
1.	Young, Robert, 87 439-03-6065	408 Government Plaquemine, La.
2.	Young, Youlon, 47 481-16-8518	Rt. 1, Box 440 Port Allen, La.

TO THE HONORABLE THOMAS W. GLEASON, PRESIDENT OF THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AND TO THE EXECUTIVE COUNCIL OF THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, REPRESENTED HEREIN BY THE CHAIRMAN AND MEMBERS OF THE TRIAL COMMITTEE OF THE EXECUTIVE COUNCIL OF THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION:

LOUIS HARDIN, ET AL,
CHARGING PARTIES

VERSUS NUMBER

ALTON J. BAILEY

INTERVENTION OF THE OFFICERS OF LOCAL UNION 1830 OF INTERNATIONAL LONGSHOREMEN'S ASSOCIATION

Now come Leroy Smith, vice president; Alvin Montgomery and Raymond Valentine, Executive Committeemen; H. C. Johnson, chaplain; Charlie Lemark and Ernest Davis, members of the Finance Committee; and Freddie Borris, chairman of the Relief Department; all officers duly elected of Local Union No. 1830 of ILA, and intervene in this hearing being held for the purpose of placing Local Union No. 1830 of ILA in trusteeship for the following reasons:

1

That there is no basis for placing Local Union No. 1830 of ILA in trusteeship under the Constitution of the International Local Union, and since the effects of placing said Local Union in trusteeship will remove appearers illegally from their duly elected offices

which they were elected to pursuant to the Constitution of the Local Union, they oppose the placing of Local Union No. 1830 of ILA in trusteeship by the International.

WHEREFORE, appearers desire and request that the executive council and the honorable president of the International Longshoremen's Association do refrain from placing Local Union No. 1830 of ILA in trusteeship as such action will be illegal and in violation of the Constitution of ILA and the Constitution of the Local Union and in violation of the judgment of the United States District Court as entered by the Honorable E. Gordon West of the Eastern District of Louisiana of the United States District Court in that suit entitled Alton J. Bailey, et al vs. George Dixon, et al, and bearing Civil Action No. 69-109, dated June 27, 1969.

s/ Leroy Smith

s/ Alvin Montgomery

s/ Ernest Davis

s/ Freddie Borris

SOUTHEASTERN TERMINALS
Division of
Baltimore Stevedoring Co., Inc.

Paid to Local 1830 from 4/16/69 thru 7/25/69

Pay Periods	Check No.	Date	Amount	Payment of
3/23, 3/30/69	2189	4/16/69	$ 19.24	Union Dues
March, 1969	2195	4/21/69	7.05	6¢ Checkoff
Retroactive 4/6, 4/13, 4/20/60	2216	5/ 7/69	184.92	Union Dues
Retroactive	2200	4/22/69	216.42	Additional 4¢ Checkoff
April	2217	5/ 7/69	54.81	6¢ Checkoff
4/27, 5/4, 5/11 5/18, 5/25/69	2266	6/ 6/69	845.21	Union Dues
May	2285	6/10/69	217.89	6¢ Checkoff
6/1, 6/8 6/15, 6/22/69	2302	6/27/69	462.01	Union Dues
June	2311	7/ 8/69	153.36	6¢ Checkoff
			$2,160.91	

520

Paid to Local 1830 from 4/10/69 thru 7/25/69 by Burnside Terminal

Week Ending	Check No.-Date		Amount	
3/23 & 3/30	15989	4/10/69	$ 607.12	Union Dues
4/6/69	16050	4/11/69	101.23	" "
Retro. 10/1/68-3/16/69	16071	4/21/69	483.64	6¢ checkoff
Retro. 10/1/68-3/16/69	16070	4/21/69	319.76	Union dues
4/13/69	16061	4/18/69	121.36	" "
4/20/69	16080	4/24/69	104.83	" "
3/2-9-16/69				2¢ checkoff
3/23-30, 4/6-13-20/69	16123	4/25/69	269.16	6¢ checkoff
4/27/69	16141	5/5/69	123.34	Union dues
5/4/69	16193	5/9/69	206.23	" "
5/11/69	16208	5/16/69	134.92	" "
5/18/69	16222	5/23/69	152.18	" "
5/25/69	16284	5/29/69	205.77	" "
4/27-5/25/69	16286	5/31/69	193.23	6¢ checkoff
6/1/69	16291	6/6/69	265.97	Union dues
6/8/69	16328	6/12/69	221.53	Union dues
6/1-22/69	16392	6/30/69	166.23	6¢ checkoff
6/15/69	16374	6/20/69	134.10	Union dues
6/22/69	16381	6/27/69	93.08	" "
6/29/69	16407	7/3/69	212.35	" "

521

7/6/69	16414	7/6/69	91.19	Union dues
7/13/69	16488	7/17/69	245.91	" "
			$4,453.13	

TO WHOM IT MAY CONCERN:

These are the following item that was removed from the Safe, on May 31, 1969

1. One ballot box
2. One duplicate Receipt Book
3. One check from Louis Harden-Amount $5.00
4. One pouch bag
5. One file on I. L. A. property
6. One blue print
7. One I. L. A. Charter
8. One bank deposited file
9. One duplicate minutes file
10. ABSTRACT WEGE 5% file

    Baltimore Stevedoring, Company
    Baton Rouge Marine, Company
    Cargo Carriers, Company
    Louisiana Stevedoring, Company
    Ramsay Scarlett, Company
    Rogers Terminal Shipping, Company
    Ryan Stevedoring, Company

11. Company Checks

    Ramsay Scarlett, Company - check #16077-R. Amount $483.64 - check #16123 - Amt. $269.16

12. Southeastern Terminal, Company - check #2195 - $7.05 - check #2200 - Amount $216.42 & check #2217 - Amount $54.81

13. One Bank Deposited Book

14. Check from Ramsay Scarlett, Company 16222-R-$152.18

Charging Party #4

Constitution and By-Laws of the General Longshore Workers International Longshoremen's Association

Local Union No. 1830

Port Allen, Louisiana

TO THE COMMITTEE OF THE EXECUTIVE BOARD
OF THE INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION

LOUIS HARDEN, ET AL.
Charging Parties

v. NUMBER _____

ALTON J. BAILEY

Respondent

ANSWER

ALTON J. BAILEY, ET AL. (hereinafter called "RESPONDENTS") reserving all rights under their "Opposition to Hearing" - appearing before the Committee for the purpose of furnishing respondents' answers to the purported charges of the Charging Parties as set forth in the "Petition of Specification of Charges," do hereby deny each and every allegation of fact therein contained, except those herein after specifically admitted, and now answering said petition, categorically, say:

-1-

The allegations of fact contained in paragraph 1 of said petition are admitted.

-2-

The allegations of fact contained in paragraph 2 of said petition are denied.

-3-

The allegations of fact contained in paragraph 3 of said petition are admitted; further answering, respondent alleges that he was not

installed as President until February 27, 1969.

-4-

The allegations of fact contained in paragraph 4 of said petition are denied.

-5-

The allegations of fact contained in paragraph 5 of said petition are denied.

-6-

The allegations of fact contained in paragraph 6 of said petition are denied. Further answering said paragraph, respondents aver that the "Special Meeting" was called by the complaining members, or the charging parties, at a time concurrent with the regular meeting date, which regular meeting he devoted to the business of the called "Special Meeting." Further answering, respondents declare that this is a collateral attack on the findings of the United States District Court for the Eastern District of Louisiana, Baton Rouge Division, wherein said Court held - in the hearing for a "Preliminary Injunction," which was granted to respondents - that the respondent, ALTON J. BAILEY, exercised sound discretion by not calling a "Special Meeting" at the time of a scheduled "regular meeting," e.g., the testimony taken on the 23rd day of June, 1969, in Civil Action Number 69-109 of the Docket of said Court, entitled: Alton J. Bailey, et al. v. George Dixon, et al.

-7-

The allegations of fact contained in paragraph 7 of said petition are admitted, as the law required them to vote.

-8-

The allegations of fact contained in paragraph 8 of said petition are denied.

-9-

The allegations of fact contained in paragraph 9 of said petition are denied.

-10-

The allegations of fact contained in paragraph 10 of said petition are denied. However, respondent, ALTON J. BAILEY, states that during the period of the issuance of the Temporary Restraining Order and the Granting of the Preliminary Injunction by the said Court in the aforementioned litigation it was necessary for him to open a checking account in the First National Bank of Port Allen - in the manner alleged - to enable him, as President, to have operating funds to carry on the business of the Local inasmuch as Mark L. Young, Financial Secretary, refused to perform his constitutional duties of the Local and to obey the Temporary Restraining Order issued by the Federal Court which was in effect.

-11-

The allegations of fact contained in paragraph 11 of the said petition are denied. However, the respondent, ALTON J. BAILEY, states that, in order to carry on the business of the Local and to obtain funds with which to operate the Local, the applicable Constitutional provisions were suspended in accordance with the terms and stipulation of a Resolution, a copy of which is hereto attached and made a part hereto the same as if herein written in its entirety.

-12-

The allegations of fact contained in paragraph 12 of said petition are denied.

-13-

The allegations of fact contained in paragraph 13 of said petition are phraseologically structural to permit no answer; but, how-be-it, respondents deny same; as the Local Union 1830 is being operated in full compliance with all Constitutions of I.L.A.

-14-

Further answering said petition, respondent avers and/or declares that the "charging parties" are attempting to take the Local over by having same placed in trusteeship and thereby gaining managerial control and administration thereof without having to await a constitutional election of officers and to avoid the democratic processes of electing officers as outlined in the Constitution of the Local, through which processes the present slate of officers was elected to manage the business affairs of the Local and to care for the welfare of its membership.

WHEREFORE, the respondent, ALTON J. BAILEY, desires and does hereby request that the demands of the charging parties, LOUIS HARDEN, ET AL., be rejected and dismissed.

THUS, DONE and SIGNED at Baton Rouge, Louisiana, this 11th day of August, 1969.

s/ Alton J. Bailey
ALTON J. BAILEY

Of Counsel:

JOSEPH A. GLADNEY
Suite 114, Attorneys' Building
300 Louisiana Avenue
Baton Rouge, Louisiana 70802
and
JOHNNIE A. JONES
The JoAnSEAD Building
1263 Government Street
Baton Rouge, Louisiana 70802

R-E-S-O-L-U-T-I-O-N

WHEREAS, The Financial Secretary-Treasurer Bro. Mark L. Young has failed to perform the duties of his office as required by the Constitution and By-Laws of Local # 1830 I. L. A. by refusing to comply with the provisions of section (d) Article VIII of said Constitution and By-Laws, and

Be it Therefore Resolved, That the members of this organization do hereby go on record as censuring Bro. Mark L. Young for his failure to perform the duties referred to above, and

Be it further Resolved, That the members of Local # 1830, I. L. A. do hereby demand that Bro. Mark L. Young cease and desist in his refusal to perform the duties of his office when ordered to do so by the President, and

Be it also further Resolved, That the provisions of section (d) Article VIII of the Constitution and By-Laws of Local # 1830, I. L. A. requiring the Financial Secretary-Treasurer to sign all checks and other instruments for the payment of money be suspended and that the President be authorized to sign all checks for the current expense alone, until such time as the Fincial Secretary-Treasurer agrees to perform his duties or is removed from office for failure to do so.

s/ Ernest Davis

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

ALTON J. BAILEY, LEROY SMITH, and THE GENERAL LONGSHORE WORKERS INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL UNION NO. 1830, PORT ALLEN, LOUISIANA

VS.

CIVIL ACTION
NUMBER 69-109

GEORGE DIXON, THOMAS W. GLEASON, RALPH MASSEY, MARK L. YOUNG, and THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION

ORDER GRANTING PRELIMINARY INJUNCTION

This cause coming on to be heard on the motions of plaintiffs for a preliminary injunction; and due notice having been given to defendants; and the court having considered the evidence offered by the plaintiffs and having considered the arguments of counsel and being fully advised in the premises, it finds:

That the plaintiffs, ALTON J. BAILEY, President of Local Union Number 1830, International Longshoremen's Association; LEROY SMITH, Vice President of said Local 1830, and THE GENERAL LONGSHORE WORKERS INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL UNION NO. 1830, PORT ALLEN, LOUISIANA, seek a preliminary injunction enjoining the defendants, GEORGE DIXON, International Vice President; THOMAS W. GLEASON, International President; RALPH MASSEY, District President; MARK L. YOUNG, Secretary-Treasurer of Local 1830, and THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, and their subordinates,

agents, servants and employees from placing Local Union Number 1830, International Longshoremen's Association, in trusteeship in violation of the policies, provisions, and procedures of the Labor-Management Reporting and Disclosure Act of 1959, Section 101(5), (73 Stat. 519; 29 U.S.C.A. 411);

That plaintiffs are suffering and will suffer severe and irreparable loss and damage unless a preliminary injunction is issued;

That the evidence offered by plaintiffs shows that there is reason to believe that plaintiff, Local 1830, International Longshoremen's Association, was placed in trusteeship because of personal charges, unproven and not filed, against plaintiff, ALTON J. BAILEY, President of said Local, resulting in the suspension of plaintiffs, ALTON J. BAILEY and LEROY SMITH, Vice President of said Local, from office without their being accorded the procedural safeguards required by Section 101(a)5 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C.A. 411), and that this action on the part of the defendants was a violation of the rights of the plaintiffs guaranteed in said Act; and as a result of defendants' action in placing Local 1830, International Longshoremen's Association, plaintiff herein, in trusteeship, the defendants illegally placed defendant, MARK L. YOUNG, in charge of Local 1830, I.L.A., in the place of plaintiff, ALTON J. BAILEY; and further defendant, GEORGE DIXON, improperly filed criminal trespass charges against plaintiff, ALTON J. BAILEY, simply because he was on the premises of the Local 1830, I.L.A., and objecting to the action of defendant, GEORGE DIXON in taking over the of plaintiff, Local 1830, I.L.A., as trustee; and this

action of defendants has deprived plaintiffs, ALTON J. BAILEY and LEROY SMITH, of their right to serve as officers and has deprived plaintiff, ALTON J. BAILEY, of his sole means to a livlihood.

IT IS ORDERED, ADJUDGED AND DECREED that, pending further order of this court, the defendants, GEORGE DIXON, International Vice President; THOMAS W. GLEASON, International President; RALPH MASSEY, District President; MARK L. YOUNG, Secretary-Treasurer of Local 1830, and THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, their respective officers, agents, representatives, employees and successors, and all other persons in active concert and participation with them, be and they hereby are restrained and enjoined from:

a) Interfering with or taking any action to prevent the plaintiff, ALTON J. BAILEY, as President, or LEROY SMITH, as Vice President, in carrying on their duties as President and Vice President of Local 1830, International Longshoremen's Association;

b) Placing plaintiff, Local 1830, I.L.A., in trusteeship, unless the constitution of the International Longshoremen's Association and Local 1830, I.L.A., and all laws, both federal and state, have been complied with;

c) Defendant, GEORGE DIXON, from acting as trustee of Local 1830, I.L.A., in compliance with advice from the International Executive Council;

d) Using the Presidential powers of the International President to prevent the local officers from carrying on the government of Local 1830, I.L.A., as authorized by Article XIII of the Constitution and Rules of Order of

the I.L.A.;

e) Interfering with the conduct of Local 1830, I.L.A., through or by its duly elected President, its Vice President and other officers, and particularly in preventing said Local 1830 from holding its regular and special meetings;

f) Interfering with the right of the Vice President to act for the President in his absence and, in the event of vacancy, to succeed to the office of the President for the unexpired term when this condition is applicable, as is authorized by Section 5, Article XIII, of the Constitution of the I.L.A.;

g) MARK L. YOUNG from usurping the powers and authorities of the President or Vice President of said Local 1830, I.L.A.;

h) Defendants from proceeding with further criminal prosecutions of plaintiff, ALTON J. BAILEY, in muncipal or state courts, as result of the affidavit signed by GEORGE DIXON on May 30, 1969, before Hon. Philip N. Pecquet, City Judge, City of Port Allen;

and commanded to permit plaintiffs, ALTON J. BAILEY, President of Local 1830, I.L.A., and LEROY SMITH, Vice President of Local 1830, I.L.A. to carry on the functions of Local 1830, I.L.A., and to carry out all of their duties as officers thereof;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this order shall be effective from and after 2:00 p.m., June 23, 1969;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiffs file their bond, with corporate surety, to be approved by the court, in the sum

of $25000, conditioned for the payment of such costs as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

Enter:

(SIGNED) E. GORDON WEST
JUDGE, UNITED STATES
DISTRICT COURT

Dated June 27, 1969.

I.L.A. Local 1830
March 17, 1969
Port Allen, La.

Regular meeting was call to order by the president. Scripture read 3th Chapter John. Song sang Jesus Keep Me Near Thy Cross. Prayer was offered by the Chaplin. Next the president ask for the roll call of officers. The roll was called by the secretary. Next, the president ask for a moment of slient prayer for our decease brother, Rev. J. P. Gardner. This was carried out in a wonderful manner. Next the president ask for the minutes of the last regular meeting. The minutes was read. It was move by A. Sterling an sec by C. Jones an H. Johnson that the minutes be received an adopted with the necessary corrections. There were none. It was move by L. Hardin an sec. by E. McQuillion that the business at hand be suspended an that we should talk about the strike. Motion carried. The contract issue was discussed thoroughly among the brothers. It was move by E. Davis an sec by R. Valentine that the membership should reconsider another vote on the contract. There were 39 for and 42 against. It was move by E. Davis an sec by L. Smith that meeting stand ajoin.

Alton Bailey, Pres.
Edison Jones, Sec.

I.L.A. Local 1830
Port Allen, La.
June 16, 1969

Membership meeting was called to order at 8:15 p.m. by the president, Alton J. Bailey. Scripture reading by the Chaplin, H. C. Johnson. 34d Chapter of St. John & prayer by the Chaplin.

Due to the absent of the regular Recording Sect. Edison Jones, the minutes of the previous meet was not available.

The president ask the acting Rec. Secty to read the application of Jerry Myles, Sr., and Hymel Branch after reading of applications it was moved by Bro. Antoine Boudreaux, sec. by Bro. Albert Sterling that the applications be turned over to the application committee. Motion was carried unanimously.

A resolution was read by Bro. Antoine Boudreaux relating to the attempt by I.L.A. to place Local 1830 in trusteeship (See attached copy). It was moved by Bro. Antoine Boudreaux and sec. by Bros. E. Davis, J. Johnson & A. Montgomery that this resolution be adopted. Motion carried by 50 for and six against.

A second resolution was made by Bro. E. Davis relatively to the refusal of the financial secretary to perform his duty. (See copy of resolution attached). Move by Bro. E. Davis, sec. by R. Claiborne that this resolution be adopted. Motion carried 43 for 6 against. Motion by Bro. A. Boudreaux that initiation fee be reduce from $500.00 to $200.00. Motion carried 38 for, 1 opposed. Motion by Bro. E. Davis, Sec. by Bro. Joseph Collin that the meeting ajourne. Motion carried unanimously.

Benediction by Rev. H. G. Johnson.

Antoine R. Boudreaux acting Rec. Secty.

Alton J. Bailey, Pres.

R-E-S-O-L-U-T-I-O-N

WHEREAS, The International Longshoremen's Association (I. L. A.) has attempted to place this Local in trusteeship by sending Bro. George Dixon, an International Vice-President from Mobile, Alabama to take over as trustee, he having appeared at this, Local # 1830, Union Hall on May 30, 1969, and

Be it therefore Resolved, That this local Union # 1830, I. L. A. do oppose the placing of this Local in trusteeship and does approve of the action of our duly elected President, Alton J. Bailey, in filing a suit to prevent and to stop any action by the I. L. A. in placing this Local in trusteeship, and

Be it further Resolved, That this local agrees to pay the court cost and legal fees in connection with this suit brought by the duly elected President, Alton J. Bailey and duly elected Vice-President Leroy Smith, against Bro. George Dixon, the I. L. A., and others being suit # 69-109 on the docket of the U. S. District Court; and the Local further authorizes its President to prosecute this suit to fully protect the interest of the Local, and its officers and members.

Antoine Boudreaux

s/ Antoine R. Boudreaux

R-E-S-O-L-U-T-I-O-N

WHEREAS, The Financial Secretary-Treasurer Bro. Mark L. Young has failed to perform the duties of his office as required by the Constitution and By-Laws of Local # 1830 I. L. A. by refusing to comply with the provisions of section (d) Article VIII of said Constitution and By-Laws, and

Be it Therefore Resolved, That the members of this organization do hereby go on record as censuring Bro. Mark L. Young for his failure to perform the duties referred to above, and

Be it further Resolved, That the members of Local # 1830, I. L. A. do hereby demand that Bro. Mark L. Young cease and desist in his refusal to perform the duties of his office when ordered to do so by the President, and

Be it also further Resolved, That the provisions of section (d) Article VIII of the Constitution and By-Laws of Local # 1830, I. L. A. requiring the Financial Secretary-Treasurer to sign all checks and other instruments for the payment of money be suspended and that the President be authorized to sign all checks for current expense alone, until such time as the Financial Secretary-Treasurer agrees to perform his duties or is removed from office for failure to do so.

s/ Ernest Davis

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

ALTON J. BAILEY, LEROY SMITH, and THE GENERAL LONGSHORE WORKERS INTERNATIONAL LONGSHOREMEN'S ASSOCIATION LOCAL UNION NO. 1830, PORT ALLEN, LOUISIANA

VS.

CIVIL ACTION
NUMBER 69-109

GEORGE DIXON, THOMAS W. GLEASON, RALPH MASSEY, MARK L. YOUNG, and THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION

TEMPORARY RESTRAINING ORDER

Upon the verified Complaint and Affidavit of plaintiffs herein for Injunctive Relief and a Temporary Restraining Order, it appearing to this court that the plaintiffs seek an Interlocutory Order restraining the defendants, GEORGE DIXON, THOMAS W. GLEASON, RALPH MASSEY, MARK L. YOUNG, and THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, their subordinates, agents, servants and employees from placing Local Union Number 1830, International Longshoremen's Association, in trusteeship in violation of the policies, provisions and procedures of the Labor-Management Reporting and Disclosure Act of 1959, Section 101(5), (73 Stat. 519; 29 U.S.C.A. 411), this court finds plaintiffs are suffering and will suffer severe and irreparable loss and damage unless a Temporary Restraining Order is issued "ex parte", without notice against said defendants. This court finds that plaintiffs pleadings present a prima facie case that plaintiff, Local 1830, International Longshoremen's Association, was placed in

trusteeship because of personal charges, unproven and not filed, against plaintiff, Alton J. Bailey, President of said Local, resulting in the suspension of plaintiffs, Alton J. Bailey and Leroy Smith, Vice President of said Local, from office without their being accorded the procedural safeguards required by Section 101(a)5 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C.A. 411), and that this action on the part of the defendants was a violation of the rights of the plaintiffs guaranteed in said Act; and as a result of defendants' action in placing Local 1830, International Longshoremen's Association, plaintiff herein, in trusteeship, the defendants illegally placed defendant, Mark L. Young, in charge of Local 1830, I.L.A., in the place of plaintiff, Alton J. Bailey; and further defendant, George Dixon, improperly filed criminal trespass charges against plaintiff, Alton J. Bailey, simply because he was on the premises of Local 1830, I.L.A., and objecting to the action of defendant, George Dixon, in taking over the control of plaintiff, Local 1830, I.L.A., as trustee; and this action of defendants has deprived plaintiffs, Alton J. Bailey and Leroy Smith, of their right to serve as officers and has deprived plaintiff, Alton J. Bailey, of his sole means to a livlihood pending the outcome of this litigation.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that said defendants, GEORGE DIXON, THOMAS W. GLEASON, RALPH MASSEY, MARK L. YOUNG, and THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, their subordinates, agents, servants and employees be temporarily restrained from the following acts, until the hearing and determination of the Motion for a Preliminary Injunction, to-wit:

a) Interfering with or taking any action

prevent the plaintiff, Alton J. Bailey, as President, or Leroy Smith, as Vice President, in carrying on their duties as President and Vice President of Local 1830, International Longshoremen's Association;

b) Placing plaintiff, Local 1830, I.L.A., in trusteeship;

c) Defendant, George Dixon, from acting as trustee of Local 1830, I.L.A., in compliance with advice from the International President or the International Executive Council;

d) Using the Presidential powers of the International President to prevent the local officers from carrying on the government of Local 1830, I.L.A., as authorized by Article XIII of the Constitution and Rules of Order of the I.L.A.;

e) Interfering with the conduct of Local 1830, I.L.A., through or by its duly elected President, its Vice President and other officers, and particularly in preventing said Local 1830 from holding its regular and special meetings;

f) Interfering with the right of the Vice President to act for the President in his absence and, in the event of vacancy, to succeed to the office of the President for the unexpired term when this condition is applicable, as is authorized by Section 5, Article XIII, of the Constitution of the I.L.A.

g) Mark L. Young from usurping the powers and authorities of the President or Vice President of said Local 1830, I.L.A.

I.L.A. Local 1830
April 7, 1969
Port Allen, La.

Board meeting was call to order by the president. The president ask the brothers to repeat the Lord's prayer. Prayer was said in convert. Next the president ask for the minutes of the last board meeting. The minutes was read by the recording secretary. It was move by C. Lamark an sec by E. McQuillion that the minutes be received. Motion carried. Next the president said that the recording secretary be commended for such wonderful service that he is rendering. So it was move by E. Davis an sec. by A. Jones an C. Lamark that the secretary be extended a board of thanks from the board. Motion carried. Next the president spoke about a meeting that wanted to be held be the NAACP in the Union hall. This was discuss by the board an then it was move by L. Hardin an sec by R. Valentine & C. Lamark that this organization be premitted to hold this meeting. Motion carried. The president then said that he thinks each an every brother should be exempted from his dues whenever he is injured on the job. This issue was discuss among the board, so it was move by C. Lamark an sec by E. Davis that whenever a brother is injured he will be exempted from his dues. Motion carried. Next order of business was that of Henry Wells about coming back to the organization. This issue was discuss thoughly so it was move by L. Hardin and sec by L. Smith that bro. Well will pay the sum of $500.00 to come back to the organization. Motion carried. It was moved by E. Davis an sec by C. Lamark an R. Valentine. Board meeting stand ajoin.

A. Bailey, Pres.
E. Jones, Rec. Sec.

This temporary restraint is on condition th a bond be filed by the plaintiffs herein in the sum of _____ ($250.00) Dollars conditioned that plaintiff will pay to the parties restrained such damages as they may sustain by reason of said temporary restraining, if the Court finally decides that plaintiffs were not entitled thereto.

Issued at 10:00 o'clock P.M. this 5th day of June, 1969, at Baton Rouge, Louisiana.

It is further ordered that plaintiffs' motion for preliminary injucntion be, and set for hearing in this court on June 23, 1969, at 10:00 o'clock A.M.

It is further ordered that the above and foregoing order shall expire on _____, 1969, unless it is further extended by order of the court.

Dated this 5th day of June, 1969, at 10:00 P.M.

s/ E. Gordon West
UNITED STATES DISTRICT JUDGE

LAW OFFICES
JOSEPH ATKINSON GLADNEY
130 ST. LOUIS STREET
BATON ROUGE

TELEPHONE 3-1719

July 22, 1969

Mr. Alton L. Bailey, President
Local Number 1830
International Longshoremen's Association
395 Court Street
Port Allen, Louisiana

RE: ALTON J. BAILEY, et al v. George Dixon, et al
United States District Court, Baton Rouge Division
Eastern District of Louisiana, Civil Action # 69-109

Legal fee for obtaining injunction against ILA --------$3,000.00

Amount of bond posted on 6/6/69----------$ 250.00

Court costs (including witness fees, etc.) from
6/5/69 to 7/1/69 ----------$ 489.80

TOTAL AMOUNT DUE---------$3,739.80

PETITION TO CALL A SPECIAL MEETING
OF
LOCAL UNION 1830, INTERNATIONAL LONGSHOREMEN ASSOCIATION
MAY 8, 1969, AT 7:00 P. M.
PURSUANT TO ARTICLE XXVLLL, SECTION 1, 2, 3, A, B, C, D, SECTION 4, 5. OF THE CONSTITUTION OF SAID LOCAL

We the undersigned members, in good standing of International Longshoremen Association Local 1830 to hereby petition ALTON J. BAILEY, President of said local to call a special meeting of the local, to be held May 8, 1969, at the hour of 7:00 P.M. at the local union Hall at Port Allen, Louisiana, for the purpose of bringing to a vote of the membership or this local the question of Union Buttons to application members.

s/ Elmo Smith
s/ Frederick
s/ A. Young
s/ E. Jones
s/ Joe Barker
s/ Eddie Smith, Sr.
s/
s/ A. Ferguson
s/ Joe Williams, Jr.
s/ William Johnson
s/ LeRoy Rogers
s/ Louis Harden
s/ Ed Carter
s/ Johnny Robertson
s/ R. Valentine
s/ Daniel C. Collins, Jr.
s/ Frank Clay

June 10, 1969

Mr. Mark L. Young, Administrator,
International Longshoremen's Ass'n,
Local 1930
Box 197,
Port Allen, La. 70767

Dear Mr. Young:

Re: Name Schedule Bond #120836

Confirming our recent telephone conversation wherein we discussed certain changes to be made under above captioned Name Schedule Bond, we are enclosing copy of this bond to which has been attached endorsement deleting the name of Alton J. Bailey, President, and adding the name of Louis Hardin, Business Agent.

Also attached is endorsement changing your title from Secretary-Treasurer to Administrator.

We are also enclosing Application for Fidelity Bond, which must be completed and signed by Mr. Louis Hardin, and returned to our office.

Self addressed stamped envelope is also enclosed for return of completed form.

With best wishes, we remain

Cordially yours,

A.B. NICHOLAS & SON

BY:

AD:s

Encl.

A. B. Nicholas & Son
821 Perdido Street
New Orleans, Louisiana

December 30, 19

Date	Policy No.	Insured	Premium Debit
2-1-69	F-120836	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION LOCAL #1830	150.00

$30,000.00 Name Schedule Bond

Bond No. F-120836

BOND CONTINUATION CERTIFICATE

In Consideration of a premium of $150.00 the above Bond issued to: INTERNATIONAL LONGSHOREMEN'S ASSOCIATION LOCAL #1830 in behalf of: See Schedule Attached is continued in force from February 1, 1969 to February 1, 1970 subject to all the terms and conditions in the aforesaid Bond.

Provided, however, that the aggregate liability of the undersigned from the effective date of said Bond to the date of the expiration of this Certificate for or on account of any act or acts of any principal or employee covered hereunder shall not exceed the individual amount applicable to such principal or employee; or if a penal amount is stated in said Bond, shall not exceed such stated penal amount.

AMERICAL EMPLOYERS' INSURANCE COMPANY

s/ J. A. Perillaux

Not to be used for Continuous Bonds

Signed and Sealed on December 31, 1968

SCHEDULE
REFERRED TO IN BOND NO. F-120836
EFFECTIVE: February 1, 1969

Item No.	Name	Address	Position	Amount
2.	John Harvey Netter	New Orleans, La.	Pres.	$10,000.00
3.	Dorothy Gustave	Port Allen, La.	Sec.	10,000.00
4.	Mark L. Young	Plaquemine, La.	Sec.-Treas.	10,000.00

Liability $30,000.00
Premium 150.00

ACCEPTANCE RIDER

To be attached to and form part of Bond No. F-120836
issued by AMERICAN EMPLOYERS' INSURANCE COMPANY
in favor of INTERNATIONAL LONGSHOREMEN'S ASSOCIATION LOCAL #1830
effective as fo FEBRUARY 1, 1957

In consideration of the net NIL premium of $ NIL it is agreed that Bond No. F-120836 is amended by the additions or deletions, indicated below, to or from the schedule of said Bond.

Employee	Location	Position	Amount of Bond	Amt. of Premium	Date
Alton J. Bailey	New Orleans, La.	Pres.	10,000.	NIL	4/25/69
John Harvey Netter	New Orleans, La.	Pres.	10,000.	NIL	4/25/69

Signed, and dated April 30th, 1969

AMERICAN EMPLOYERS' INSURANCE COMPANY

By: s/ Barbara B. Ingegnieco
Attorney-in-fact

Accepted:

This endorsement is effective 6/3/69 for attachment to Bond No. F-120836 issued to INTERNATIONAL LONGSHOREMEN'S ASSOCIATION LOCAL #1830 by AMERICAN EMPLOYERS' INSURANCE COMPANY

It is hereby understood and agreed, under the above captioned bond, the title for item #4, Mark L. Young, is amended to Administrator in lieu of Secretary-Treasurer.

Bond in all other respects to remain as writte

AMERICAN EMPLOYERS'
INSURANCE COMPANY

BY: s/ Barbara B. Ingegni
Attorney-in-fact

ACCEPTANCE RIDER

To be attached to and form part of Bond No. F-120836
issued by AMERICAN EMPLOYERS' INSURANCE COMPANY
in favor of INTERNATIONAL LONGSHOREMEN'S ASSOCIATION LOCAL #1830
effective as of FEBRUARY 1, 1957

In consideration of the net NIL premium of $ NIL it is agreed that Bond No. F-120836 is amended by the additions or deletions, indicated below, to or from the schedule of said Bond.

Employee	Location	Position	Amt. of Bond	Amt. of Premium	Date
Louis Hardin	New Orleans, La.	Bus. Agent	10,000.	NIL	6/3/69
Alton J. Bailey	New Orleans, La.	Pres.	10,000.	NIL	6/3/69

Signed, and dated June 6th, 1969

AMERICAN EMPLOYERS' INSURANCE COMPANY

By: s/ Barbara B. Ingegnieco
Attorney-in-fact

STATE OF LOUISIANA:
PARISH OF EAST BATON ROUGE:

I, Janet L. Parker, Reporter within and for the Parish of East Baton Rouge, State of Louisiana, do hereby certify as follows:

That the above and foregoing transcription constitutes a true record of the hearing before the Committee of the Executive Council of the International Longshoremen's Association, appointed to hear evidence re charges filed against President Alton J. Bailey, President of Local 1830, and on request of members of Local 1830 for the establishment of a trusteeship over the Local, held on the 12th day of August, 1969, on the Louisiana Room of the Jack Tar Capitol House, Baton Rouge, Louisiana, commencing at 11:00 A.M.

That I am not an attorney or counsel for any of the parties, not am I a relative or an employee of any attorney or counsel connected with this action, nor am I financially interested in this action.

Baton Rouge, Louisiana, this 25th day of August, 1969.

s/ Janet L. Parker
JANET L. PARKER
Reporter
Parish of East Baton Rouge
State of Louisiana

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SUPREME COURT, U. S.

Supreme Court, U. S.
FILED
MAR 13 1972
MICHAEL RODAK, JR., CLERK

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1971

No. 71-1177

ALTON J. BAILEY, LEROY SMITH, and THE GENERAL LONGSHOREWORKERS INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL UNION NO. 1830, PORT ALLEN, LOUISIANA

Petitioners

VERSUS

GEORGE DIXON, THOMAS W. GLEASON, RALPH MASSEY, MARK L. YOUNG, AND THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION

Respondents

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Of Counsel:

Joseph A. Gladney
Suite 114,
Attorneys' Bldg.
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Baton Rouge, La.

Johnnie A. Jones
1261 Government Street
Baton Rouge, La. 70802

Philip F. DiCostanzo
DICOSTANZO, KLONSKY & CUTRONA
Counsellors at Law
66 Court Street
Brooklyn, New York

Attorney for Petitioners

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IN THE SUPREME COURT OF THE
UNITED STATES

October Term, 1971

No._____

Alton J. Bailey, Leroy Smith, and The General Longshoreworkers International Longshoremen's Association, Local Union No. 1830, Port Allen, Louisiana

versus

George Dixon, Thomas W. Gleason, Ralph Massey, Mark L. Young, and The International Longshoremen's Association

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PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Petitioners, Alton J. Bailey, Leroy Smith, Alvin Montgomery, Charley Lamark, Ernest Davis, Freddie Borris, H. C. Johnson, Earl McQuillion, officers of Local Union 1830 and the General Longshore Workers International Longshoremen's Association, Local Union No. 1830, Port Allen, Louisiana, pray that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Fifth Circuit entered on November 18, 1971, as to which a petition for rehearing was denied on December 20, 1971.

CITATION TO OPINIONS BELOW

The opinion of the United States District Court for the Eastern District of Louisiana, Baton Rouge Division, denying petitioners' motions for a preliminary and/or permanent injunction and for summary judgment is printed in Appendix E hereto and is reported at 314 F.Supp. 452 (E.D. La., 1970). The opinion of the Court of Appeals for the Fifth Circuit, which affirmed the judgment of the said District Court, is printed in Appendix B hereto and is not yet reported.

JURISDICTION

The judgment of the Court of Appeals, printed in Appendix A hereto, was entered on November 18, 1971, and petitioners' petition for a rehearing was denied on December 20, 1971. The Court of Appeals stayed its mandate for

30 days until February 4th, 1972, and further stayed its mandate for an additional 30 days until March 11th, 1972, pending the filing of a petition for a writ of certiorari and final determination thereon by this court.

The jurisdiction of this Court is invoked under 28 U.S.C. Sec. 1254(1).

THE QUESTIONS PRESENTED

1. May an International Labor organization, acting under Title III, Section 302, of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. 462, legally impose a trusteeship upon a Local labor organization for the sole purpose of invalidating a fair and democratic election of officers within the Local, removing from office the officers elected by a majority of the members of the Local, and reinstating to office under the trusteeship, the corrupt minority faction which had been defeated in the election, thus using the trusteeship device as a means of stifling democratic processes and of attempting to settle an intra-union political dispute between two competing political factions within the Local, when the hearing held by the International union, pursuant to Title III, Section 304(c), of said Act, 29 U.S.C. Sec 464(c), did not produce any evidence or proof that one of the legal grounds for trustee-

ship, under Section 302 of said act, existed?

2. In a civil action brought by a Local Labor organization and duly elected officers thereof to have the Court set aside a trusteeship imposed over such Local by the parent International labor organization, is the United States District Court powerless to review the evidence, or lack thereof, adduced at the International's trial committee hearing and upon which the erroneous conclusion of the International that there existed a legal ground for establishment of a trusteeship was admittedly predicated, in veiw of the requirement in Title III, Section 304(c), of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. Sec. 464(c), that a fair hearing be had prior to the imposition of trusteeship and that there be proven to exist one of the purposes for which trusteeships may be established, as stated in Title III, Section 302, of said Act?

STATEMENT OF THE CASE

Jurisdiction of the court of first instance, the United States District Court for the Eastern District of Louisiana, Baton Rouge Division, was 28 U.S.C. Sec. 1337, which gives the United States District Courts jurisdiction over "any civil action of proceeding arising under any Act of Congress regulating commerce . . . ."

Petitioners herein are the plaintiffs in the District Court and appellants in the United States Court of Appeals for the Fifth Circuit.

Petitioners are Local Union No. 1830 of the International Longshoremen's Association, Port Allen, Louisiana (hereinafter referred to as Local 1830) and eight members who are duly elected officers of Local 1830, who are: Alton J. Bailey, Leroy Smith, Alvin Montgomery, Charley Lamark, Ernest Davis, Freddie Borris, H. C. Johnson, Earl McQuillion.

Respondents are the following:

(a) The International Longshoremen's Association (hereinafter referred to as the International);

(b) Thomas W. Gleason, president of the International;

(c) George Dixon, an International vice president who was appointed trustee of Local 1830 by the International President on advice of the Executive Committee;

(d) Ralph Massey, president of the South Atlantic and Gulf Coast District of the International;

(e) Mark L. Young, member of Local 1830 and Financial secretary thereof, appointed by the trustee, George Dixon;

(f) Clarence G. Kirby, a member of the International's Local in Brownsville, Texas, and appointed administrator of Local 1830 by the trustee, George Dixon; and

(g) Louis Harden, a member of Local 1830 and appointed assistant administrator thereof by the trustee, George Dixon.

Local 1830 was organized in Port Allen, Louisiana, in 1955, and has remained the all-Negro local of the International in Port Allen. (Local 1833, which is not a party to this suit, is the all-white sister local in Port Allen.) The chief organizer of Local 1830 in 1955 was J. Harvey Netter, who was president of the local from 1955 to February 27, 1969.

Petitioner, Alton J. Bailey, has been a local member since 1959, and in the regular triennial election of officers of the local held in January, 1969, Bailey ran against Netter and a third candidate, Antoine Boudreaux, each of whom received the following votes: Alton J. Bailey, 73 votes, J. Harvey Netter, 73 votes; and Antoine Boudreaux, 22 votes. Prior to the runoff election held in February 1969, Netter told petitioner, Ernest Davis, a Bailey supporter, that if Bailey won the runoff election, Local 1830 would be placed in trusteeship by the International. In the runoff election between Bailey and Netter,

enough of the Boudreaux voters voted for Bailey to enable Bailey to defeat Netter for the office of president of Local 1830.

After the runoff election, Bailey began to meet with resistance from the supporters of his opponent, Netter, which includes respondents herein. For example, the Local 1830 Constitution and By-Laws require that the installation of officers should be held the week following the election. However, the installation of officers was not held until Bailey went to New Orleans to see Alfred Chittenden, an International Vice President, who finally condescended to hold an installation of officers. The installation was held on February 27, 1969.

On March 3, 1969, four days after Bailey's installation as president, Netter supporters, including respondents, Young, and Harden, signed and circulated a petition containing ficticious and invalid charges against Bailey and filed said petition with the International Executive council in New York, requesting that the International oust Bailey and the other officers and impose trusteeship over Local 1830.

Without serving the charges on Bailey and without filing the charges with Local 1830 as required by the Local 1830 Constitution, the International

on April 22, 1969, sent a committee headed by Ralph Massey and including Alfred Chittenden, Clarence Henry, and others to investigate the charges against Bailey. The charges were never served on Bailey, nor was a hearing held. However, the committee made a brief visit to the union hall in Port Allen, and thereafter wrote a letter to the International stating that it was their opinion that Bailey was guilty as charged and that Local 1830 should be placed in trusteeship.

Based upon the Massey committee report, the International on May 30, 1969, sent George Dixon of Mobile, Alabama, to Port Allen to take over Local 1830 as trustee. When Bailey questioned Dixon's authority to oust the duly elected president and all the other duly elected officers from office and evict them from the union hall and take charge of the books, property, and finances of Local 1830, Dixon filed criminal trespass charges against Bailey as a result of which Bailey was arrested and incarcerated in the Port Allen Jail. Thereupon, Dixon returned control of Local 1830 to the defeated Netter group by appointing the former Netter officers to office and by naming Mark L. Young, who was Netter's protege, to the newly created position of "Administrator". Bailey and all of the other officers elected on his ticket were ousted.

On June 4, 1969, petitioners filed the original complaint herein in the U. S. District Court for the Eastern District of Louisiana, Baton Rouge Division, seeking injunctive relief from the imposition of trusteeship over Local 1830 by the International. On June 5, 1969, the District Court signed a temporary restraining order to fix the hearing on a preliminary injunction for June 23, 1969. After the June 23 hearing the preliminary injunction was granted, the court predicated its decision upon the fact that the trusteeship was imposed and petitioners were removed from office without their being accorded the procedural safeguards required by Section 101 (a) (5) of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. Section 411, particularly, that the trusteeship was imposed without a full and fair hearing on the charges which had been filed against Bailey.

Respondent perfected an appeal to the United States Court of Appeals for the Fifth Circuit from said preliminary injunction and the Fifth Circuit affirmed the decision of the District Court, which decision is reported at 429 F.2d. 1321, 74 LRRM 2712.

Three days later, on June 26, 1969, respondents renewed their efforts to oust Bailey and the other officers elected on his ticket from Local 1830 positions of leadership by filing with

the International Executive Council a second petition signed by fourteen members of Local 1830 containing false charges against Bailey. The said second petition included the original charges contained in the March 3, 1969, petition as well as two additional false charges: (1) Mishandling of union funds, and (2) excluding Mark L. Young from the union hall. A third charge, that Bailey as president had illegally allowed the initiation fee to be reduced from $500.00 to $200.00, was not contained in either the March 3 or the June 26 charges, but rather was introduced at a later trial hearing, all of which will be dealt with herein below.

Bailey was first furnished with a copy of the June 26, 1969, charges by a letter dated July 11, 1969, from Thomas W. Gleason, president of the International to Bailey. Gleason's letter advised Bailey that the Executive Council had appointed a trial committee to conduct a hearing on the charges against him at the Jack Tar Capital House Hotel in Baton Rouge, Louisiana, on July 29, 1969. By stipulation the date of the trial hearing was subsequently changed to August 12, 1969.

Prior to the trial hearing, some 120 members of Local 1830 filed a counter petition with Gleason expressing the confidence of some two-thirds of the Local 1830 membership in Bailey and requesting that Bailey be allowed to

continue in the office of president and that trusteeship not be imposed. No action whatsoever was taken by the International on the petition of the 120 members, although the trial committee hearing to investigate the charges against Bailey was called by the International Executive Committee on the petition dated June 26, 1969, which was signed by only 14 members of Local 1830.

The trial hearing convened at 11:00 a.m. on August 12, 1969. The three-man trial committee was comprised of (a) William Hopkins, chairman, (b) Clarence Henry, (c) Alfred Chittenden. All three said committee members are International vice presidents and are based in the South Atlantic and Gulf Coast district, of which Local 1830 is a part. All three also have been longtime friends, supporters and associates of Netter. Henry and Chittenden as president of Local 1418 and Local 1419 respective in New Orleans, had peculiar first hand knowledge of the controversy because it was to their offices as vice presidents of the International, that Bailey and others had previously addressed numerous complaints against Netter's dictatorial oppression of Local 1830, and both Henry and Chittenden had first-hand knowledge of Bailey's effort to secure his and the other members' rights within Local 1830.

The trial committee hearing lasted 12 hours and the transcript which is filed in the record of this case contains 546 pages. As the transcript shows, the hearing was not full and fair as required by law but rather was of the nature of a "kangaroo court", the trial committee members taking the position of prosecutors of Bailey and defenders of the International and the Netter faction within Local 1830. Furthermore, the evidence contained in the transcript does not support the subsequent action by the International in imposing trusteeship over Local 1830, because the transcript does not contain any evidence to support a valid ground for trusteeship under the Labor-Management Reporting and Disclosure Act of 1959.

After the trial committee hearing, the trial committee prepared a four-page written report to the executive council, a copy of which report is filed in evidence in this case. At the October 1, 1969, meeting of the Executive Council an attorney for the International by the name of Seymour Waldman orally summarized the four-page trial committee report, and based upon Waldman's summary of the report, the Executive Council voted to place Local 1830 in trusteeship and to oust Bailey and the other officers elected on his ticket from office. The record does not reveal what Waldman said to the council. However, the record does show that Bailey was not notified that the executive council would consider the

proposal to impose trusteeship at the October 1 meeting; the proposal was not on the agenda of the October 1 meeting; Bailey was not present at the October 1 meeting; Bailey did not have an opportunity to present his side of the case to the executive council at the October 1 meeting; nor did the Executive Council have before it the complete 546-page transcript of the trial committee hearing.

Nevertheless, Gleason wrote to Bailey by letter dated October 14, 1969, which letter is in evidence, advising Bailey that he had been found guilty of the charges against him and that Dixon had been again appointed trustee of Local 1830. On or about October 22, 1969, Dixon reappeared at Local 1830 and took over as trustee for the second time. As Dixon had done when the first trusteeship was imposed, he again ousted Bailey and all of the officers elected in the February election and appointed to office the former Netter officers or supporters, naming Mark L. Young as financial secretary, Louis Harden as assistant administrator, and Clarence G. Kirby, as administrator. All of the appointees were friends, supporters and associates of Netter over the years, and Young and Harden had served as officers under Netter for several years. It was an acknowledged fact that Young was Netter's protege and heir apparent to the

presidency.

On November 17, 1969, petitioners filed in the U. S. District Court for the Eastern District of Louisiana, Baton Rouge Division, a supplemental and amended complaint alleging that the sole purpose of the International in imposing the second trusteeship was to remove from office Bailey and the other members of his ticket and to restore to power the minority political faction formerly headed by Netter and presently headed by Young. Thereafter, On December 1, 1969, petitioners took the deposition of Thomas W. Gleason, president of the International, and when said deposition revealed that the International did not have a legal ground for imposing trusteeship, petitioners then filed in the District Court a motion for summary judgment, together with an application for a preliminary injunction. The court fixed the motion for hearing on December 17, 1969.

Two days prior to the December 17 hearing, some 136 members (nearly two-thirds of the membership of Local 1830) filed a motion to intervene as plaintiffs in opposition to the International's action in placing Local 1830 in trusteeship.

Respondents did not file an answer to the supplemental and amended complaint nor did they file any affidavit or any other opposition to petitioners' motion for summary judgment, nor did

respondents file any defensive pleadings in this case.

A hearing was held before the United States District Court for the Eastern District of Louisiana, Baton Rouge Division, Honorable Judge E. Gordon West presiding, on December 17, 1969. At the hearing, the district court erroneously denied the motion to intervene which had been filed by 106 members of Local 1830 but authorized said members to file an amicus curiae brief and requested the parties to the suit to file findings of fact and conclusions of law and replies thereto, after which the court would take the case under advisement.

While the case was under advisement, respondents represented to petitioners that respondents agreed that this internal political dispute should be settled by another election of officers by the members, and respondents represented to petitioners that respondents had appointed an International vice president from Miami, Florida, one Perry Harvey, to come to Port Allen, Louisiana, and to conduct another election of officers. However, when respondents failed to carry through with said promise, and when no decision had been rendered in this action by the district court for more than six months after the December 17 hearing, petitioners on June 29, 1970, filed in the district court a motion for an order for

respondents to show cause as to why they should not proceed with their promise to call a special election of officers, and, in the alternative, why the court should not order the International to call a special election or decide the case on the merits.

On June 30, 1970, the district court rendered its findings of fact and conclusions of law, wherein it sustained the validity of the trusteeship imposed over Local 1830 by the International, denied petitioners' motion for summary judgment and dismissed their suit. The district court rendered judgment accordingly on July 9, 1970. The decision of the District Court is reported at 314 F. Supp. 452.

Petitioners filed a motion for new trial in the district court on July 20, 1970, alleging that the district court committed error of law in failing to rule that the trusteeship was invalid and that the trusteeship waw imposed by the International in bad faith and for the sole purpose of ousting from office and from membership in Local 1830 the duly elected president, Alton J. Bailey.

Respondents further showed their bad faith in that on July 13, 1970, two business days after the judgment sustaining the trusteeship was rendered by the district court, the appointed adminsitrator, Kirby, refused to accept Bailey's tender of his quarterly membership dues. Under Article

VI, Section 2 of the Local Constitution, which is in evidence, Bailey, as president during the pendency of this suit, was expressly exempt from the payment of quarterly dues. However, since the trusteeship was ruled valid by the district court, Bailey immediately offered to pay his dues. However, Kirby refused to accept same, advising Bailey that he was no longer considered a member of Local 1830.

On July 22, 1970, two days after petitioners filed their motion for new trial, petitioner Bailey filed a separate civil action in the same district court entitled "Alton J. Bailey v. George Dixon, Thomas W. Gleason, Ralph Massey, Mark L. Young, Clarence G. Kirby, and the International Longshoremen's Association," Civil Action No. 70-150, seeking judgment recognizing him to be a member of Local 1830 and not required to pay an initiation fee of $500.00 for membership in Local 1830 and requesting that the court enjoin respondents from denying Bailey all the rights and privileges of a member of Local 1830. The district court signed a temporary restraining order on July 23, 1970, pursuant to which Bailey was able to pay his dues and obtain his membership button from the administrator, Kirby.

The district court fixed the hearing on the motion for new trial for August 7, 1970. However, respondents did not appear at the hearing. Instead,

respondents filed an affidavit of Julius Miller, counsel for the International herein, wherein the International admitted that Kirby had wrongfully refused to accept Bailey's dues, admitting that Bailey was justified in not paying dues during the pendency of the litigation contesting the validity of the trusteeship, admitting that Bailey would be recognized as a member in good standing without paying the $500.00 initiation fee and suggesting that the questions are now moot and that the suit should therefore be dismissed.

The district court, in Chambers, ruled that based upon the affidavit of Miller in Civil Action No. 70-150, the said suit should be and was dismissed as moot. The court, in spite of the new evidence of bad faith on the part of respondents, denied petitioners' motion for new trial in this suit, civil action 69-109.

Thereafter, on August 7, 1970, petitioners perfected an appeal to the United States Court of Appeals for the Fifth Circuit, and in due course briefs were filed and the case was fixed for oral argument before the Fifth Circuit in Houston, Texas, on April 6, 1971.

The Fifth Circuit decided the case on November 18, 1971, wherein the court, in an opinion written by Circuit Judge O'Sullivan, Senior circuit judge of the Sixth Circuit, Detroit, Michigan,

sitting by designation, affirmed the decision of the District Court. The decision of the Fifth Circuit is reported at _____F. 2d_____, a copy of which is appended hereto as Appendix B.

The Fifth Circuit quoted from the opinion of the District court and adopted the District Court's erroneous conclusion that the International was in good faith in imposing the trusteeship over Local 1830. The Fifth Circuit also adopted the District Court's erroneous conclusion that there was substantial evidence upon which the International's trial committee based its recommendation that trusteeship be imposed, and the Fifth Circuit adopted and approved the erroneous principle of law as stated by the District Court that if the conclusion of the trial committee was based upon substantial evidence, the District Court does not have the right to set their finding aside, although neither the District Court nor the Court of Appeals recited a single evidentiary fact upon which the trial committee's conclusion might have been based.

Petitioner's timely Petition for Rehearing in the Court of Appeals was denied on December 20, 1971, without an opinion.

REASONS FOR GRANTING THE WRIT

I. In holding that trusteeship may be

imposed by an International union, such as the ILA herein, for the sole purpose of invalidating a fair and democratic election of officers in one of its constituent locals, such as Local 1830 herein, and reinstating to office the minority faction which had been defeated in the election, thus allowing the International to use the trusteeship device as a means of stifling democratic processes and of attempting to settle an intra-union political dispute between two competing political factions within Local 1830, the United States Court of Appeals for the Fifth Circuit rendered a decision which is in conflict with a decision of the United States Court of Appeals for the Second Circuit in the case of Schonfeld v. Raftery, 271 F. Supp. 128, affirmed 381 F.2d 446 (1967), and is in conflict with the decision of the United States Court of Appeals for the Tenth Circuit in the case of United Brotherhood of Carpenters and Joiners of America v. Brown, 343 F.2d 872 (1965).

II. Certiorari should be granted to review the decision of the Fifth Circuit herein which affirms the decision of the District Court and holds that in actions brought under the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. Sec. 401, et seq., to set aside a trustee ship which was imposed by the International Union after a hearing conducted by a panel of three International vice presidents, the United States District Courts are powerless to review the evidence adduced at the

trial committee and are powerless to substitute the courts' judgment for that of the trial committee, which decision, because of its far reaching implications, in effect invalidates the said Act and enables International unions, such as the ILA herein, to arbitrarily impose truateeship at the whim and caprice of the International officials and in instances such as the instant case where there is no evidence of any wrongdoing on the part of the Local union officials and no evidence of any legal ground for trusteeship under the Act.

III. Certiorari should be granted herein under the Supreme Court's power of supervision so that Your Honors can correct the Fifth Circuit's sanctioning of a departure by the District Court from the accepted and usual course of judicial proceedings in holding that the International unions across the country are free to impose trusteeships over their constituent locals at will, provided a hearing is held, regardless of the nature of the evidence, or lack of evidence, adduced at the hearing, thus holding that it is the procedure which controls rather than the substance, thus denying to the rank and file members their fundamental and constitutional rights to due process of law.

ARGUMENT ON REASONS FOR GRANTING THE WRIT

I. In holding that tursteeship may be imposed by an International union, such as the ILA herein, for the sole purpose of invalidating a fair and democratic election of officers in one of its constituent locals, such as Local 1830 herein, and reinstating to office the minority faction which had been defeated in the election, thus allowing the International to use the trusteeship device as a means of stifling democratic processes and of attempting to settle in intra-union political dispute between two competing political factions within Local 1830, the United States Court of Appeals for the Fifth Circuit rendered a decision which is in conflict with a decision of the United States Court of Appeals for the Second Circuit in the case of Schonfeld v. Raftery, 271 F.Supp. 128, affirmed, 381 F.2d 446 (1967), and is in conflict with the decision of the United States Court of Appeals for the Tenth Circuit in the case of United Brotherhood of Carpenters and Joiners of American v. Brown, 343 F.2d 872 (1965).

It has been the contention of petitioners throughout these proceedings that the International's sole purpose in placing Local 1830 in trusteeship was to remove Bailey and the other officers elected on his ticket from office and to reinstate in office the corrupt officers who were defeated. Petitioners submit that the Second Circuit and the Tenth Circuit properly refused to allow the

International union so much unbridled power in the Schonfeld and Brown cases respectively, and that the Fifth Circuit's decision in the instant case is in conflict therewith and would allow the International union officials, not only officials of the I.L.A. in the instant case, but also the officials of all the big and powerful unions in the country, to use the expediency of the trusteeship device to oust elected Local officers, place the Local in trusteeship, and return control of the Local to the officers defeated in a democratic election at the whim and caprice of international union officials. Petitioners contend that to allow national and international union officials such power as the Fifth Circuit has done in this case is undesirable as a matter of public policy and runs contra to the express intent of the Congress in enacting the Labor Management Reporting and Disclosure Act of 1959, 29 U.S.C. 401, et seq. Therefore, petitioners show Your Honors that the far reaching implications of the Fifth Circuit's tolerance of the use of such indiscriminate power by international labor officials, who impose tursteeships under the guise of abiding by the Labor-Management Reporting and Disclosure Act, present issues of such national significance that Your Honors should grant a writ of certiorari in this case in the interest of settling such important national questions once and for all, in the best interests of the labor movement in this country, and in the best interests of interstate commerce.

Petitioners cite the Second Circuit case of Schonfeld v. Raftery, supra, because of the analagous factual situations in that and in the instant case. In Schonfeld, district council members successfully sought to have the court set aside a trusteeship which had been imposed by the respondent international, the Brotherhood of Painters, Decorators and Paperhangers, for the sole purpose of keeping the entrenched officers in power, rather than for one of the lawful causes for trusteeships found in Title III, sec. 302, of the LMRDA, 29 U.S.C. 462. The District Court in that case, in a lengthy opinion which was affirmed by the Second Circuit, lay great stress on the fact that it was only when the incumbent secretary-treasurer, one Rarback, was indicted for criminal conduct, which the Brotherhood had tacitly condoned for several years, that the Brotherhood, the next day, imposed tursteeship in order to keep the Rarback group in power. The trustee reinstated to office all of the corrupt Rarback group, including Rarback, who was appointed to a newly created position of "Coordinator of Education and Coordination." The Second Circuit, in affirming the district court's judgment invalidating the trusteeship, stated, "The record and opinion below make clear that the finding of bad faith was not only not 'clearly erroneous' but was amply justified . . . and we affirm on that analysis." 381 F.2d 446, 447. The District Court had made the following statement: ". . .The proof is clear and convincing that the Brotherhood has not

proceeded in good faith, for any one of the purposes authorized by law, either in establishing or maintaining the trusteeship. . . .The primary reason for establishing the tursteeship was to maintain the status quo in the council as nearly as possible and to thwart the efforts of Rarback's opponents to achieve power by democratic means. . . ." 271 F.Supp. 128, 143-144.

The District Court also made the following statement:

> "The evils to which these lawful purposes relate were the subjects of constant complaint to the Brotherhood during the several years before the trustee was named. The complaints were almost uniformly futile. The Brotherhood knew of, and tacitly condoned, Rarback's arbitrary methods, his effective quelling of protest, his dictatorial control of the council's news publication, and the widespread indications of possible corruption. Nothing was done until Rarback was indicted.
>
> "Then, overnight, the trustee was named." 271 F.Supp. 128, 147.

Petitioners herein submit that the facts established by the record in this case show that an analagous situation existed in Local 1830 for several years prior to the imposition of tursteeship by

the International ln 1969 and that, as in Schonfeld, it was only the election of Bailey as president which triggered the trusteeship "overnight".

The record shows that the three charges against Bailey were not only false but related to conduct on the part of one of the International's supporters and a Bailey opponent, one Mark L. Young, who by reason of his antagonistic attitude toward Bailey and because of his refusal to cooperate with Bailey prior to the imposition of the trusteeship when Bailey was president and Young was financial secretary, put Bailey in a situation in which he could not keep the Local operating and meeting its current obligations. Nevertheless, the International charged Bailey, not Young, with 1) mishandling of union funds, 2) excluding Young from the Local 1830 union hall, and 3) illegally reducing the Local 1830 initiation fee from $500.00 to $200.00.

As to the first charge, mishandling of union funds, the evidence shows without contradiction that immediately after Bailey took office as president, Young who had supported Netter, refused to cooperate with Bailey in any way. Under the Local 1830 Constitution and By-laws, Young, as financial secretary, was required to co-sign as co-drawer all checks drawn on the Local 1830 bank checking account. Young refused to sign any checks, acting under orders not to

do so from International officials; and Bailey could not then draw checks to pay current expenses of the Local. To remedy this emergency situation, the membership at a regular Monday night meeting passed a resolution which is in evidence, authorizing Bailey to open a second bank account in the name of Local 1830 and authorizing Bailey to act alone in drawing checks thereon. Bailey opened the second account, and he drew only two checks thereon, which were checks to pay legitimate bills of the Local. Therefore, Bailey was not guilty of any wrongdoing. It was Young and his supporters among the International officials who were guilty of the illegal conduct, but it was Bailey who was charged. The evidence in the case proves that Bailey exonerated himself of the charge, and it was so recognized by the District Court, which stated in open court:

> "... The evidence so far shows that one Mr. Mark Young could probably have been held in contempt of this Court for violating my temporary restraining order, if I understand the testimony right: that is that he refused to sign checks to allow the business of this union to be carried on after I signed this order on June 5. He could have been held

> in contempt of court. Let this be fair warning to him and to anyone else that they will be, if bills of that union had to be paid, my restraining order prohibited Mr. Mark Young or the other named persons and all others acting in concert with them from in any way interfering with the operation of that union by the elected officials of that union."

As to the second charge against Bailey, excluding Young from the Local 1830 union hall, the record is likewise free of any evidence of wrongdoing on Bailey's part. The evidence shows that Bailey, as president prior to the trusteeship, carried on the affairs of Local 1830 in strict compliance with the Constitution and By-Laws of the Local as well as in accordance with established customs and procedures of Local 1830. The record shows that Local 1830 received funds from various sources, including dues check-off checks from employers, quarterly membership dues from the members, and initiation fees from new members. These funds are deposited in the Local 1830 safe in the union hall, and the president is responsible for the welfare of said funds. Under Article VIII of the Constitution and By-Laws, Young, as financial secretary, was responsible only for those funds which he received from the

president, Bailey, and for which he issued his written receipt. However, since Young refused to come to the union hall and to issue his receipt for funds in the safe and deposit same in the Local's Bank Account, Bailey had good cause for refusing to give Young the combination to the safe and a key to the union hall. The evidence shows that since Local 1830 was organized in 1955, the financial secretary has never had free access to the safe and hall and Bailey testified that he entertained a good faith distrust for Young, as his political opponent, and that therefore he, Bailey, acting pursuant to Article VIII of the Constitution and By-Laws and the established custom of Local 1830, refused to change the rule and allow Young to have the safe combination and a key to the union hall. The evidence shows that the procedure under Bailey was not different from the customary practice in the Local, and it is significant that respondents never complained of the practice until after Bailey was elected president by a majority of the members.

As to the timing of the International's sudden complaint about the financial secretary not having the safe combination and building key immediately after Bailey was elected president, the District Court commented:

"And during all that time he abided by whatever rules and regulations Netter set down and then suddenly when Bailey became president, he decided that all these rules and regulations were violations of the charter, is that right?

"MR. COLE: (counsel for Young)

"I'm not prepared to say that that is correct, no.

"THE COURT"

"If that were correct, would it indicate, in your opinion Mr. Cole, a sort of collusion between these people and the International on this trusteeship?"

As to Young not having a key to the building, the evidence shows that even though Young did not have a right to same by the longstanding custom of the Local, Bailey, in a spirit of cooperation, did give Young a key, but Young thereafter abused the privilege by allowing the illegally appointed trustee, Dixon, to gain access to the hall, drill the safe open and remove all the books and financial records of the Local, which records and books have been secreted by respondents and not available for inspection by other members of the union or of Local 1830.

As to the third charge, that Bailey illegally lowered the Local 1830 initiation fee for new members from $500.00 to $200.00, the evidence likewise clearly absolves Bailey of any guilt. The record shows that said charge was not contained in either the March 3, 1969 or the June 26, 1969 charges against Bailey but that at the hearing held by the International's three-man trial committee in Baton Rouge, Louisiana, on August 12, 1969, respondents orally charged Bailey with the said charge.

The record shows that in 1962, while Netter was president of Local 1830, the initiation fee for new members was raised from $200 to $500 without prior notice to the members as required by the Local 1830 Consittution and By-Laws. Between 1962 and June 16, 1969, several members of Local 1830 made complaints to the International of the illegal increase, but the International refused to take any action, and the initiation fee remained at $500 from 1962 to June 16, 1969. On the latter date, Bailey, as president and during a regular meeting of the Local, entertained a motion from the floor that the fee be reduced from its illegal figure of $500 to $200. The motion was duly seconded, discussed, and put to a vote. The members present voted to reduce the initiation fee to $200.

The record also establishes

that the initiation fee of Local 1833, the all-white sister local of Local 1830 in Port Allen, has been and is $200, and petitioners contend that the $500 fee of the all-Negro local 1830 had a discriminatory effect on prospective members and had the effect of keeping the membership of Local 1830 from growing, thus assuring to the white longshoremen in the Port Allen area a greater share of the available work. Non-member black longshoremen could not join Local 1833 because its membership is limited to whites, while many of them could not join Local 1830 because of the exhorbitant initiation fee. Therefore, Bailey's leadership in using legal means of lowering the fee back to its legal figure of $200 was a desirable step on the part of Local 1830 members and should not have caused any concern to the International. Nevertheless, the International and the other respondents herein contended at the trial committee hearing and before the District Court that the action of Bailey, in entertaining a motion properly made under acceptable rules of parliamentary procedure was objectionable and wrongful. Also, the respondents contend that such conduct on Bailey's part constitutes a ground for trusteeship.

Therefore, since the evidence before the District Court and the Court of Appeals establishes by clear and convincing proof that the three charges against Bailey were false and Bailey was

not guilty of any wrongdoing which would justify the imposition of a trusteeship over Local 1830 by respondent International, the conclusion is inescapable that the respondents were acting in bad faith and that the only motive of the respondents in imposing the trusteeship was an attempt to oust Bailey and regain control of Local 1830 through the defeated Netter and Young regime. In allowing the trusteeship device to be so used, the Fifth Circuit had rendered a decision in conflict with the decision of the Second Circuit in the Schonfeld case, supra, and the Tenth Circuit in the Brown case, supra.

In the Brown case, at 343 F. 2d at page 892, the Tenth Circuit noted the limitations which the Congress imposed upon International Labor Organizations in the imposition of trusteeships over subordinate local unions. The court states the lawful purposes for which trusteeships may be established as stated in Title III, Sec. 302 of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. sec. 462, as follows:

> "A second limitation upon the imposition of trusteeships is that under section 302 it must be for one of the following purposes: (1) to correct corruption or financial malpractice; (2) to assure the performance of collective bargaining agree-

ments or other duties of a bargaining representative, or (3) to restore democratic procedures or otherwise carry out the legitimate objects of the labor organization."

The Court then states the Congressional intent behind the trusteeship provisions of the LMRDA:

"Congress recognized that the use of trusteeships by an international union is a particularly effective device for the maintenance of order within the organization and that '*** they have been widely used to prevent corruption, mismanagement of union funds, violation of collective bargaining agreements, infiltration of communists; in short, to preserve the integrity and stability of the organization itself ***.' But, Congress also recognized that '*** in some instances trusteeships have been used as a means of consolidating the power of corrupt union officers, plundering and dissipation the resources of local unions, and preventing the growth of competing political elements within the organization.' 2 U.S. Code Cong. & Adm. News, 86th Congress, 1st Sess., 1959, p. 2333. To preserve

> the legitimate use of trusteeships, Congress in enacting section 302 enumerated the purposes for which a trusteeship could be imposed in language of a broad and general nature. However, in order to prevent their misuse, Congress obviously intended these purposes to have limitations as well and therefore in determining whether a particular case meets the test, the statute must be construed in the light of the various other provisions of the Act.
>
> "The purpose of the Act as a whole is not only to stop and prevent outrageous conduct by thugs and gangsters but also to stop lesser forms of objectionable conduct by those in positions of trust and to protect democratic processes within union organizations. 29 U.S.C. 401; Nelson v. Johnson, 212 F. Supp. 233 (D. Minn. 1962), aff'd, 8 Cir., 325 F.2d 646; Gartner v. Soloner, 220 F. Supp. 115 (E.D.Pa. 1963)."

The Court then recites the Bill of Rights which Congress incorporated into the Act for the protection of the rights of individual members of labor

unions, and then stated:

> "Thus, the rights of individual members of a labor union are protected by federal statute with a view to allowing those members to conduct local matters with a minimum of outside interference. In short local affairs are to be governed by Local members under democratic processes." 343 F. 2d at 893.

The decision of the Fifth Circuit in the instant case is clearly in direct conflict with the above quoted language from the Brown case, decided by the Tenth Circuit.

The Tenth Circuit properly recognizes that the enumeration of grounds for which trusteeships may be imposed under section 302 of the Act is to be narrowly construed, and that each case is to be decided upon its particular facts as to whether one of the ground for trusteeship exists.

The Fifth Circuit in the case at bar has deviated from the rule of the Tenth Circuit in that the Fifth Circuit has sustained the validity of a trusteeship in a case where one of the lawful grounds for trusteeship under section 302 of the Act does not exist.

The only ground for trusteeship established by the evidence in this case is the intra-union political dispute which arose in Local 1830 when Alton J. Bailey, one of your petitioners dared to challenge the corrupt Netter regime and was supported by a majority of the members who elected him president of the Local in 1969. The respondents openly admitted their dislike of Bailey and his challenge of the corrupt status quo, and therefore used the expediency of the trusteeship device as a "front" to enable them to oust Bailey from the presidency and his supporters from their respective offices and then return control of the local to the Mark L. Young faction through the appointed trustee, George Dixon, and his appointed administrator, Kirby. As the court recognized in the Schonfeld case, plaintiffs had the burden of proving the invalidity of the trusteeship, and they sustained that burden. But the Schonfeld court also recognized the Congress intended that the international must come forward with proof of the grounds upon which trusteeship was imposed and proof of its good faith, especially in view of the damaging picture developed by petitioners. But respondents have failed to do so. Instead, respondents have done in this case what the international did in the Schonfeld case and which the Second Circuit held was illegal and therefore was set aside. In doing so, respondents have violated the narrow construction of Section 302 of the Act as stated by the Tenth Circuit in the Brown case.

Moreover, the Second Circuit in the case of Vars v. International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers & Helpers, 320 F.2d 576, 578 (2d Cir., 1963), held:

> "Both parties agree that in an action of this kind, judicial review of the findings of the Union tribunal is limited in nature. The courts are not free to substitute their judgment for that of the trial court or to re-examine the evidence to determine whether it would have arrived at the same conclusion that was reached by the trial body.*** However, implicit in the requirement of a full and fair hearing is the requirement that there be some evidence to support the charges made. * * * If Section 101 (5) (of the Act) is to provide any measure of protection for the individual union member who finds himself beseiged by the full power of the International Union, some review is necessary in order to protect such members from obvious abuses. This is especially true in cases such as this where the hearing examiner is not an independent figure divorced from union controversies but is an officer

> of the International Union. Thus, although the courts may be without power to review matters of credibility or of strict weight of the evidence, a close reading of the record is justified to insure that the findings are not without any foundation in the evidence."

While the Vars case did not arise under the trusteeship provisions of the Act, but rather was a suit brought by a union member for restoration to membership, both that case and the instant case involve basic rights of rank and file union members vis-a-vis the power of international unions. Therefore, the Second Circuit's reasoning with reference to the power of the courts upon judicial review of a union tribunal's findings and conclusions should apply in a trusteeship case. As the record shows the three-man trial committee herein was composed of three ILA international vice presidents who had openly opposed Bailey's candidacy for office and openly supported the International's candidates, including respondents herein. Therefore, as in the Vars case, the District Court was under a duty to read closely the transcript of the trial committee hearing to determine if the conclusion that trusteeship should be imposed was supported by any evidence. The District

Court, with the approval of the Fifth Circuit, did not read closely the trial committee transcript and did not find or state a single fact in evidence to support a legal trusteeship. Instead, both courts stated the mere conclusion that there was substantial evidence, when in fact there was no evidence of a legal ground for trusteeship. Therefore, the Fifth Circuit has gone contra to the Second and Tenth Circuits, and in so doing, has at best left the labor union trusteeship law vague, contradictory and uncertain, and at worst has opened the way for labor union bosses across the country to use the trusteeship device at their whim and caprice to maintain control of a local through their hand-picked puppets. For example, if the next triennial election of officers in Local 1830, Bailey runs again and is elected, the ILA, under the Fifth Circuit's decision in this case, will be free again to conduct a sham hearing and regardless of the lack of evidence of any fault on Bailey's part, again oust Bailey and all the other officers elected on his ticket, and regain control of the union through the trusteeship device. The undesirability of such a result as the Fifth Circuit decision allows goes without saying.

II. Certiorari should be granted to review the decision of the Fifth Circuit herein which affirms the decision of the District Court and holds that in actions brought under the Labor-Management Reporting

and Disclosure Act of 1959, 29 U.S.C. Sec. 401, et seq., to set aside a trusteeship which was imposed by the International union after a hearing conducted by a panel of three International vice presidents, the United States District Courts are powerless to review the evidence adduced at the trial committee and are powerless to substitute the courts judgment for that of the trial committee, which decision, because of its far reaching implications, in effect invalidates the said Act and enables International unions, such as the ILA herein, to arbitrarily impose trusteeship at the whim and caprice of the International officials and in instances such as the instant case where there is no evidence of any wrongdoing on the part of the Local union officials and no evidence of any legal ground for trusteeship under the Act.

The Supreme Court of the United States has not decided a case dealing with the Labor-Management Reporting and Disclosure Act of 1959, but this case presents issues of such national importance as to the power of International unions vis-a-vis the rights of the individual Local union members and the consequent impact on labor relations in this country that Your Honors should grant certiorari herein and settle these important issues.

Petitioners submit that the crucial error committed by the Fifth Circuit was its decision affirming the District Court and holding that the findings of fact of the three-man trial committee composed of three International vice presidents and who were appointed by the International to hear the charges against Bailey are binding on the Courts and not subject to judicial review because of the fact that the Courts are powerless to substitute their judgment for that of the trial committee.

In the foregoing statement of facts it is stated that Bailey was installed as president of Local 1830 on February 27, 1969, and that on March 3, 1969, respondents circulated a petition of charges against him and filed same with the International, as a result of which and without a hearing the International imposed trusteeship over Local 1830 on or about May 30, 1969.

Petitioners thereupon brought this suit to set aside the trusteeship, and the District Court granted a preliminary injunction in favor of petitioners enjoining the continued operation of the trusteeship on the ground that the International had not conducted a hearing on the charges against Bailey. The District Court cited as authority Title III, Section 304 (c), of the Act, 29 U.S.C. 464(c), and the case of Local No. 2, International Brotherhood

of Telephone Workers v. International Brotherhood of Telephone Workers, 261 F.Supp. 433 (D.C. Mass., 1966).

Respondents appealed to the Fifth Circuit arguing that they had the right to impose trusteeship without a hearing, but Fifth Court properly affirmed the District Court's decision that a hearing is required before trusteeship can be imposed. That case is reported at 429 F.2d 1321 and attached hereto as appendix "I".

Thereafter, on June 26, 1969, respondents renewed their attempts to regain control of Local 1830 through the trusteeship device by initiating a new petition containing the original and new and different charges against Bailey. Respondents, in a pretended effort to comply with the District Court's earlier "full and fair hearing", requirement, this time fixed the charges for hearing before a trial committee of three International vice presidents on July 29, 1969 in Baton Rouge, Louisiana. By consent, the date was changed to August 12, 1969.

As previously stated hereinabove the hearing lasted 12 hours and transcript includes 546 pages of testimony. The entire trial committee transcript was offered and received in evidence before the District Court, was part of the record on appeal to the Fifth Circuit and has been included in the entire

record which has been certified by the Clerk of the Fifth Circuit and filed with Your Honors for consideration along with this petition for certiorari, and which is made apart hereof by reference. As the trial committee hearing transcript reveals, the respondents took the position of prejudging Bailey as guilty, and the whole tenor of the hearing shows that the trial committee of long-standing political opponents of Bailey and who had insisted upon the right to impose trusteeship without a hearing had been instructed by respondents to hold a "hearing" and regardless of the nature of the evidence adduced therein to adjudge Bailey guilty as charged and recommend to the Executive Counsel of the International that Local 1830 be placed in trusteeship and Bailey ousted from office, along with the other officers elected on his ticket.

Petitioners especially urge Your Honors, in considering the merits of this petition for certiorari, to read the 546-page transcript. Even a cursory scanning of the transcript removes any doubt as to Bailey's innocence and shows the bad faith and preconceived intent and motive of respondents in purporting to hold a hearing on the charges. The hearing examiners were biased and prejudiced against Bailey and assumed the roles of prosecutors of Bailey. They continuously harassed and ridiculed him. However, and more importantly, the entire transcript fails to establish a single fact which shows any wrongdoing on Bailey's part. There is no evidence contained therein which would

support a conclusion that one of the grounds for trusteeship under Title III, Section 302 of the Act, existed within Local 1830.

Nevertheless, the trial committee recommended to the International's Executive Council that trusteeship be imposed, and on October 1, 1969, the International again placed Local 1830 in trusteeship, again appointing Dixon as trustee, who again appointed Kirby as administrator and Louis Harden as assistant administrator. The Local, under the trusteeship, was returned to the control of the corrupt officers who had been voted out of office by the members in the February, 1969 runoff election.

Petitioners then filed their Supplemental and Amended Complaint in the District Court, alleging the facts recited hereinabove, and praying for injunctive relief from the trusteeship. The District Court held a hearing on December 17, 1969, and rendered its decision on June 30, 1970, more than six months later.

The District Court filed on June 30, 1970, its written opinion, which is printed in Appendix "E". The District Court therein made the following statement:

"* * *While this Court might not agree with all of the conclusions reached by the Trial Committee, and while it may or may not have reached the same conclusions as did the Executive Committee, a review of the lengthy transcript of the hearings held by the Trial Committee indicates to this court that the trusteeship imposed by the ILA was imposed in good faith and in accordance with the requirements of the constitution of the International Longshoremen's Association and the Labor-Management Reporting and Disclosure Act, and therefore presumed to be a valid trusteeship for a periof of eighteen months. 29 USCA Sec. 464(c). The plaintiffs have failed, in the opinion of this Court to meet the burden of demonstrating by pure and convincing proof that the trusteeship was not established in good faith, and therefore it must be presumed to be a valid trusteeship for a period of eighteen months. * * *"

The District Court then made the following crucial statement:

> "*** It is not the function of this Court to substitute its judgment for that of the Trial Committee. As long as there is substantial evidence upon which to base the judgment of the Trial Committee, this Court does not have the right to set their finding aside. This Court does find, as a fact, that there is substantial testimony upon which to base the Trial Committee's conclusion that a trusteeship should be imposed upon Local 1830, and for this reason, the trusteeship should not be disturbed (sic) by this Court for a period of eighteen months following its inception."

Nowhere, however, in the District Court's opinion does the Court recite a single fact which supports the conclusions reached by the Trial Committee or which supports the conclusion reached by the District Court. The District Court's opinion, therefore, does not comply with the requirements of the Federal Rules of Civil Procedure that it state separately the findings of fact and conclusions of law. Rule 52 provides, in pertinent part:

> "(a) Effect. In all actions tried upon the facts without a jury or with an advisory

> jury, the court shall find the facts specially and shall state separately, its conclusions of law thereon, and judgment shall be entered pursuant to Rule 58; and in granting or refusing interlocutory injunctions the court shall similarly set forth the findings of fact and conclusions of law which constitute the grounds of its action. Requests for findings are not necessary for purposes of review.* * *"

The instant case was one wherein your petitioners, as plaintiffs in the District Court, sought a preliminary and in due course a permanent injunction. Your Honors have held:

> "It is of the highest importance to a proper review of the action of a court in granting or refusing a preliminary injunction that there should be fair compliance with Rule 52(a) of the Rules of Civil Procedure." Mayo v. Lakeland Highlands Canning Co., 309 U.S. 310, 316; 60 S.Ct. 517, 84 L.Ed. 774 (1940).

In the cited Mayo case, the Court disposed of the case by stating:

> "We reverse the decree and remand the cause to the court below with instructions that, if the motion for interlocutory injunction is pressed, the parties, if they desire it, may be afforded a further hearing, and any action taken by the court shall by upon findings of fact and conclusions founded upon the evidence, in accordance with Rule 52(a) of the Rules of Civil Procedure."

The Courts of Appeals likewise have held the District Courts to strict compliance with Rule 52(a) in actions seeking injunctive relief, as follows:

Interstate Commerce Commission v. Cardinale Trucking Corp., 308 F.2d 435 (3rd Cir., 1962): The District Court's statement, "under the facts and circumstances of this case the plaintiff is not entitled to a preliminary injunction," was held insufficient.

Bateman v. Ford Motor Co., 310 F.2d 805 (3rd Cir., 1962): The District Court's language in its opinion that the Court finds as a fact that plaintiffs have failed to prove bad faith, coercion, discrimination, or threatened irreparable harm warranting

the issuance of a preliminary injunction under the law "was held insufficient as being merely an ultimate finding.

In the Cardinale Trucking Corp. case, supra, the Third Circuit admonished the District Courts as follows:

> ". . . it now becomes our duty to state that, in the future, unless the court below makes, either in separate, numbered paragraphs or in its opinion, in conformity with Rule 52(a), clear and concise statements of the ultimate facts of the case, so that both the appellant and this court are fully apprised of the basis of its judgment, the matter will be forthwith remanded in order that such findings be made."

The cases bear out the intent of the Federal Rules Committee. As stated in Volume 5A of Moore's Federal Practice, par 52.01 (6), "Findings of fact aid in the process of judgment and in defining for future cases the precise limitations of the issues and the determination thereon."

The opinion of the District Court, as affirmed by the Fifth Circuit in the instant case, goes contra to Rule 52(a) and the mandate of the Supreme Court of the United States in the cited case of Mayo v. Lakeland Highlands Canning Co., supra, in that the Fifth Circuit has condoned the impropriety of the District

Court's deciding the case without complying with Rule 52(a)'s mandatory language "shall" and rather glossing over the facts in evidence by stating in its opinion dated June 30, 1969, merely "ultimate findings" which the Court of Appeals for the 3rd Circuit in the cited case of Bateman v. Ford Motor Company, supra, held to be insufficient.

In the instant case petitioners urged in their brief filed in the Fifth Circuit and in oral argument, that the District Court did not find or state a single fact which would justify a trusteeship under Section 302 of the Labor-Management Reporting and Disclosure Act, 29 USC 462, and that if the District Court had examined the evidence and if it had then attempted to comply with Rule 52(a), it would have been compelled to find that there were no facts to state which would have supported its ultimate conclusion that there was "substantial evidence" to support the conclusion of the Trial Committee that a ground for trusteeship existed. However, the Fifth Circuit erroneously failed to reverse the District Court, based upon the evidence before it, or, in the alternative, to remand the case back to the District Court for compliance with Rule 52(a), but merely adopted the District Court's error and disposed of the case in a perfunctory manner in a brief opinion.

Petitioners still have not

received answers to the important factual questions presented to the District Court and the Fifth Circuit, such as:

What, then, did the District Court find in the record that prompted it to uphold the validity of the trusteeship?

What and/or where is the "substantial evidence" referred to by the Court on page 5 of its opinion and for what valid reasons under the LMRDA was the trusteeship imposed by the ILA and upheld by the courts below?

Is the trusteeship valid because Bailey took emergency action at the direction of the membership to protect the integrity of the Local when Young refused to co-sign checks?

Is the trusteeship valid because Bailey denied Young free access to Local funds for which Young had not issued his receipt in accordance with the constitution and customs of the Local?

Is the trusteeship valid because Bailey permitted members of the Local to vote on a legitimate motion from the floor reducing the initiation fee from its illegal figure of $500 to its legal figure of $200?

If so, which of these acts by Bailey constituted financial malpractice or undemocratic procedures, and how did the Local under Bailey fail to function properly as a collective bargaining agent or fail to carry out the legitimate objects and purposes of the ILA?

Petitioners, as well as all other rank and file labor union members across the country, are entitled to have these vital factual questions answered by the federal courts, and since the district court and the court of appeals in the instant case have failed to answer them, it is incumbent upon Your Honors to grant a writ of certiorari in this case so that these important factual issues can be answered.

III. Certiorari should be granted herein under the Supreme Court's power of supervision so that Your Honor's can correct the Fifth Circuit's sanctioning of a departure by the District Court from the accepted and usual course of judicial proceedings in holding that the International unions across the country are free to impose trusteeships over their constituent locals at will, provided a hearing is held, regardless of whether it is full or fair and regardless of the nature of the evidence, or lack

> of evidence, adduced at the hearing, thus holding that it is the procedure which controls rather than the substance, thus denying to the rank and file members their fundamental and constitutional rights to due process of law.

More important than the right of your petitioners herein to know the facts which supposedly support the lower Courts' ultimate conclusion that trusteeship was proper in this case is the right of rank and file labor union members across the country and the officials of the big and powerful international labor organizations operating in this country to know the facts upon which this case was decided so that they may know their rights and the limitations thereon under Title III of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S. C. Sec. 461, et seq., dealing with trusteeships.

The decision of the Fifth Circuit has the effect of telling international labor organizations across the country that the Act, particularly Section 302 of Title III thereof, 29 U.S.C. Sec. 462, is not binding upon them and that, so long as the international goes through the procedure of holding a so-called hearing, whether it be full or fair and whether it produces

evidence of one of the lawful causes for which trusteeships may be established, the trusteeship must be allowed by the federal courts to stand because the District Courts do not have the power to review the evidence but must bow to the superior power and authority of the international labor officials who imposed the trusteeship, notwithstanding the infringement upon the constitutional rights of the rank and file members by taking from them the safeguards which Congress in the Act granted to them.

The Fifth Circuit's decision puts form over substance. It tells union officials that it is the procedure that counts, and not the substance. It writes out of the law books the provisions of Section 302 of Title III of the Act which enumerate the lawful purposes for which trusteeships may be imposed and gives international unions freedom to impose trusteeship as a front to cover up the real motive of ousting duly elected local officers and replacing them with hand-picked "trustees","administrators", "assistant administrators" and "Coordinators of Education and Coordination." Unless Your Honors of the Supreme Court grant certiorari in this case, and reverse the decision of the Fifth Circuit, there will continue to exist a serious and far reaching conflict between the Fifth, Second and Tenth Circuits; there will continue to exist unlimited freedom on the part of international unions to arbitrarily and capriciously impose trusteeships at will; there will continue to be denials to

the rank and file members of their constitutionally and statutorily granted rights to intra-union democracy and rule by the ballot box and the law rather than by the whim of the international union officials. And, in the instant case, there will continue to be corruption and dissent in Local 1830 of the ILA. These are the precise ills for which Congress prescribed the LMRDA of 1959, and if the decision of the Fifth Circuit is allowed to stand, one of the purposes of Congress in enacting the LMRDA will be defeated by the courts in the Fifth Circuit and allowed to stand by the courts in the Second and Tenth Circuits, on the thin reasoning that the District Courts are without power to review the evidence upon which the trusteeship was purportedly imposed.

Your petitioners submit that it is the duty of the District Court to examine the evidence of union trial committee hearings under Rule 52(a) of the Federal Rules of Civil Procedure and to state the facts upon which its conclusion is based and the requirement of Section 304(c) of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. Sec. 464(c), that a "fair hearing" be held prior to the imposition of trusteeship. Petitioners submit that unless the District Court, upon judicial review of the transcript of the Trial Committee hearing, examines into the evidence adduced there at, and the general tenor and demeanor of the hearing, the District Court cannot properly adjudge whether the hearing was a

"fair hearing", as required by Congress, or not. Under the rule as stated by the Fifth Circuit, the unions possess power superior to the District Courts, in that the District Court, even if it were to examine the evidence and determine that the hearing was not a "fair hearing" or that there was not substantial evidence of a lawful ground for trusteeship, the District Court would not have the power to substitute its judgment for that of the Trial Committee. Therefore, the unions doing business within the Fifth Circuit now have been given full authority to conduct a sham hearing, as the hearing in this case was, and regardless of the nature of the hearing or the evidence, place a local in trusteeship and be immune from the judicial scrutiny of the Federal Courts. Unions in the Second and Tenth Circuits are governed by a different and more rigorous standard which gives protection to the rights of the rank and file members, such as petitioners herein. Your Honors of the Supreme Court have not yet taken a trusteeship case, and petitioners submit that the time is now ripe for Your Honors to grant certiorari in this case and settle the important national issues raised by the parties herein once and for all in the public interest.

CONCLUSION

For the reasons aforesaid, it is respectfully prayed that a writ of certiorari be granted to review the

judgment of the United States Court of Appeals for the Fifth Circuit in this case.

RESPECTFULLY SUBMITTED:

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APPENDIX "A"

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

October Term, 1970

No. 30746

D. C. Docket No. CA 69-109

ALTON J. BAILEY, ET AL,

Plaintiffs-Appellants

versus

GEORGE DIXON, ET AL,

Defendants-Appellees

Appeal from the United States District Court for the Eastern District of Louisiana

Before O'SULLIVAN, *THORNBERRY and DYER, Circuit Judges.

JUDGMENT

This cause came on to be heard on the transcript of the record from the United States District Court for the Eastern District of Louisiana, and was argued by counsel;

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby,

affirmed;

It is further ordered that plaintiffs-appellants pay to defendants-appellees, the costs on appeal to be taxed by the Clerk of this Court.

November 18, 1971

Issued as Mandate:

_____

Senior Circuit Judge, Sixth Circuit,
sitting by designation

IN THE

United States Court of Appeals

FOR THE FIFTH CIRCUIT

No. 30746

ALTON J. BAILEY, ET AL,
Plaintiffs-Appellants,

versus

GEORGE DIXON, ET AL,
Defendants-Appellees.

Appeal from the United States District Court for the Eastern District of Louisiana

---

(November 18, 1971)

Before O'SULLIVAN,* THORNBERRY and DYER, Circuit Judges.

PER CURIAM: Appellants, Local Union 1830, its President, Alton J. Bailey, and Leroy Smith, its Vice-president, appeal from denial of their motion for a preliminary injunction in the United States District Court for the Eastern District of Louisiana, and from denial of their motion for summary judgment whereby to set aside a trusteeship for appellant, Local Union

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*Senior Circuit Judge, Sixth Circuit, sitting by designation.

1830, by the International Longshoremen's Associatio
The District Judge also dismissed appellants' com
plaint. The action was commenced pursuant to Sectio
464 of the Labor Management and Disclosure Act, see
ing the dissolution of the trusteeship placed on the loca
by the international. The imposition of the trusteesh
by the International Longshoremen's Associatio
(ILA) precipitated the removal of Bailey and Smi
from their positions as union officers, as well as th
vesting of control of the local in the hands of the inte
national. The action taken by the ILA which ordere
the local to be placed in trusteeship, occurred afte
charges of alleged misconduct on the part of Baile
were filed by members of the local. In accordance wi
the constitution and bylaws of the union, a full hearin
was afforded Bailey and the Trial Committee foun
that there was substantial evidence to support charge
against him and that the imposition of the trusteesh
over the local was proper and in good faith.

Under 29 U.S.C. § 464(c), establishment of the tru
teeship carried with it a presumption of its validi
for a period of 18 months. To rebut this presumptio
it had to be shown by clear and convincing evidenc
that the imposition of the trusteeship was not in goo
faith or that the purpose is not allowable unde
29 U.S.C. § 462. At trial in the District Court appellan
renewed their attacks on members of the local as we
as the officers of the international as acting in conce
to invalidly maintain control of the local in hands
a former president who had been defeated by Baile
The District Judge found the dispute to be primari
between "two incompatible factions within the union

Bailey v. Dixon, 314 F. Supp. 452, 453 (E.D. La. 1970). It was also the finding of the trial court that,

> "[A] hearing has been held before a Trial Committee as required by the constitution of the International Longshoremen's Association. That Committee did hold a lengthy hearing and did make its report to the Executive Committee as required by the union's constitution. The report of the Trial Committee to the Executive Committee was to the effect that a trusteeship should be imposed upon Local 1830 for reasons which, in their opinion, were included under the provisions of Title 29 U.S.C.A. § 462. While this Court might not agree with all of the conclusions reached by the Trial Committee, and while it may or may not have reached the same conclusions as did the Executive Committee, nevertheless, a review of the lengthy transcript of the hearings held by the Trial Committee indicate to this Court that the trusteeship imposed by the International Longshoremen's Association was imposed in good faith and in accordance with the requirements of the constitution of the International Longshoremen's Association and the Labor-Management Reporting and Disclosure Act, and therefore presumed to be a valid trusteeship for a period of eighteen months." 314 F. Supp. at 453.

Commenting on the evidence and the result reached by the Trial Committee, the District Judge said:

> "It is not the function of this Court to substitute its judgment for that of the Trial Committee. As long as there is substantial evidence upon which to base the judgment of the Trial Committee, this Court does not have the right to set their finding aside. This Court does find, as a fact, that there is substantial testimony upon which to base the Trial Committee's conclusion * * *." 314 F. Supp. at 454.

We have reviewed the record and find that the Trial Committee's result is supported by substantial evidence and that the District Judge acted correctly when he ordered that,

> "[T]he motions of the plaintiffs for a preliminary and/or permanent injunction and for summary judgment will be denied, and this suit will be dismissed on the merits." 314 F. Supp. at 454.

We are provided with precedential support by this Court's opinion in *Atlanta Fed. & City Serv. Emp. L. U. 554 v. Service Emp. I. U.*, 441 F.2d 1115 (5th Cir. 1971).

Judgment affirmed.

APPENDIX "C"

IN THE

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 30746

ALTON J. BAILEY, ET AL
Plaintiffs-Appellants

versus

GEORGE DIXON, ET AL
Defendants-Appellees

PETITION FOR REHEARING

TO THE HONORABLE JUDGES OF THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT:

Alton J. Bailey, Leroy Smith, Alvin Montgomer, Charles Lamark, Ernest Davis, Freddie Borris, H. E. Johnston, and Earl McQuillion, all officers of the General Longshoreworkers International Longshoremen's Association, Local Union 1830, Port Allen, Louisiana, plaintiffs-appellants above named, present this, their petition for a rehearing in the above entitled cause, and, in support thereof, respectfully show:

1

The court, in its opinion affirming the decision of the trial court, has committed manifest and reversible error of

law in sustaining the trusteeship imposed upon Local Union 1830 of the International Longshoremen's Association without finding facts and naming same to be established by the evidence to support a lawful trusteeship under the LMRDA, 20 USCA 462.

2

The court has committed manifest and reversible error of law in holding that the record of this case, including the 546-page Trial Committee Hearing Transcript, contains "substantial evidence" for the imposition of trusteeship under the LMRDA, 29 USCA 462, and that the trial court, and this court, are powerless to reverse the conclusion reached by the Trial Committee of appellee Union which erroneously concluded that there was substantial evidence to support a legal imposition of trusteeship.

3

The court erred as a matter of law in failing to follow the settled jurisprudence which holds that implicit in the requirement that a full and fair hearing be held before the imposition of trusteeship under the LMRDA is the requirement that there be some evidence to support the charges made. Vars v. International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers & Helpers, 320 F. 2d 576 at 578.

4

The court erred as a matter of law in affirming the trial court's erroneous holding that the federal courts are not at liberty to review the facts upon which a

labor union trusteeship is imposed and substitute the court's judgment for that of the trial committee, but rather are bound by the decisions of the International Union's trial committee. Shonfeld v. Raftery, 381 F2d 446; Vars v. International Bro. of Boilermakers, etc., supra

5

The court committed manifest error of law in holding that appellants had not proved by clear and convincing proof that the trusteeship was imposed by appellees in bad faith and not for one of the legal grounds under the LMRDA, 29 USCA 462; Schonfeld v. Raftery, 271 F. Supp. 128, affirmed, 381 F.2d 446.

6

The court committed manifest error of law in failing to reverse the trial court on the ground that the trial court erred in holding that the enumeration of grounds for trusteeships in 29 USCA 462 is not exclusive and that trusteeships may also be imposed for political reasons and for the purpose of "* * * consolidating the power of corrupt union officers * * * and preventing the growth of competing political elements within the organization," purposes which Congress intended that trusteeships not be used. 2 U.S. Code Cong. & Adm. News. 86th Cong. 1st Sess. 1959, p. 2333; United Brotherhood of Carpenters and Joiners of America v. Brown, 343 F.2d 872.

7

The case of Atlanta Federal and City Service Employees Local Union 554 v. Service Employees International Union, 441 F.2d 1115 (Fifth Circuit, 1971) which the court regarded as a conclusive and supported its opinion herein, is clearly distinguishable from the instant case because in the instant case, there are no facts in the record to justify the imposition of a legal trusteeship under the LMRDA, 29 USCA 462.

8

The trusteeship was not imposed after a fair hearing as required by the LMRDA, 29 USCA 464 (c).

9

The opinion of this court affirming the decision of the trial court which sustained the validity of the trusteeship in this case was not supported by facts on which the defendants could legally impose a trusteeship on the plaintiff local.

WHEREFORE, upon the foregoing grounds, it is respectfully urged that this petition for rehearing be granted and that the judgment of this court be reversed and that the judgment of the district court be reversed, annulled, and set aside, and that upon further consideration, the plaintiffs be granted the relief that

they prayed for in their original petition and in their original brief filed before this court.

BY ATTORNEYS:

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CERTIFICATE

I, Joseph A. Gladney, attorney for petitioners, do hereby certify that the foregoing Petition for Rehearing of this cause is presented in good faith and not for purposes of delay.

/s/ Joseph A. Gladney
JOSEPH A. GLADNEY

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Petition for Rehearing has been served upon the defendants-appellees by mailing a copy of same to their counsel of record, the Hon. Julius Miller of the law firm of Gleason & Miller, 1450 Broadway, New York, New York, and Hon. Joseph W. Cole, Jr., of the firm of Cole & Claiborne, 710 Louisiana Avenue,

Port Allen, Louisiana, and to Clarence G. Kirby and Louis Harden at Local 1830, ILA, 395 Court Street, Port Allen, Louisiana.

Baton Rouge, Louisiana, this 29th day of November, 1971.

/s/ Joseph A. Gladney

JOSEPH A. GLADNEY

APPENDIX "D"

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 30746

ALTON J. BAILEY, ET AL,
Plaintiffs-Appellants

versus

GEORGE DIXON, ET AL,
Defendants-Appellees.

Appeal from the United States District Court for the Eastern District of Louisiana

---

(December 20, 1971)

ON PETITION FOR REHEARING

Before O'SULLIVAN, * THORNBERRY and DYER, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the petition for rehearing filed in the above entitled and numbered cause be and the same is hereby denied.

---

* Senior Circuit Judge, Sixth Circuit, sitting by designation.

APPENDIX "E"

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

ALTON J. BAILEY; LEROY SMITH; and THE GENERAL LONGSHORE WORKERS INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL UNION NO. 1830, PORT ALLEN, LOUISIANA

VERSUS

CIVIL ACTION NO. 69-109

GEORGE DIXON; THOMAS W. GLEASON; RALPH MASSEY; MARK L. YOUNG and THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION

* * * *

Joseph A. Gladney, Esq.
Suite 114, 300 La. Ave.
Baton Rouge, Louisiana 70802

Johnnie A. Jones
1263 Government Street
Baton Rouge, Louisiana

Attorneys for Plaintiffs

Julius Miller, Esq.
1450 Broadway
New York, New York 10018

Attorney for Internation
Longshoremen's Associati

Joseph W. Cole, Jr.
710 Louisiana Avenue
Port Allen, Louisiana

Attorney for defendant
Dixon, Gleason, Massey
& Young

WEST, Chief Judge:

This case involves a long-standing dispute between two warring factions of the General Longshore Workers International Longshoremen's Association, Local Union No. 1830, of Port Allen, Louisiana. One faction is apparently led by one Harvey Netter who had served as president of the local from its inception in 1955 until he was defeated for that office by plaintiff, Alton J. Bailey, in February of 1969. Since that election this matter has been before this Court on several occasions while each side to the dispute accused the other of misdeeds and wrongdoings. As a result of one hearing before this Court, it was ordered that an election of officers previously held be set aside and a new election held in strict accordance with the constitution and bylaws of the union. This was done. As a result of a later hearing, this Court issued a preliminary injunction enjoining the International, its officers, employees and others acting in concert with them, from in any way interfering with the duly elected officers in the performance of their duties. After that, a complaint was filed by certain members of the union seeking to place the local in trusteeship, under the provisions of 18 USCA Sec. 461, et seq. Certain charges of malfeasance in office were made against Alton J. Bailey, president, as a basis for the request that a trusteeship be imposed upon Local 1830. This trusteeship was opposed by the plaintiffs on various grounds, including failure to give proper notice to the plaintiffs of the charges

preferred by those seeking the trusteeship and failure of the International to hold a fair hearing prior to the imposition of the trusteeship on the local union. This matter was heard by this Court and as a result of this hearing, the Court ordered strict compliance with the provision of the Labor-management Reporting and Disclosure Act, 18 USCA, Sec, 461, et seq., and the provisions of the constitution and by-laws of both the International and local unions. The Court ordered that a fair hearing be held by the Executive Council of the International Union or by a committee to be established by the Executive Council before a trusteeship could be imposed on the local union. Pursuant to this order, a hearing was held by that committee appointed by the Executive Counc at which over five hundred pages of testimony was taken. Following the hearing, the Trial Committee rendered its report to the Executive Council of the International, as provided for by the constitution of the International Longshoremen's Association, and at a meeting of the Executive Council held on October 1, 1969, by unanimous vote, Local 1830 was placed in trusteeship. It has been operating under this trusteeship since that time.

And since that time, plaintiffs have persisted in their efforts to have this trusteeship set aside and the management of the union returned to the plaintiff, Alton J. Bailey, and the others whom plaintiffs claim are the duly electe officers of Local 1830.

The latest round in this battle is concerned with a motion filed in this Court by plaintiffs seeking a preliminary injunction enjoining the trustees from operating Local 1830 and a motion for summary judgment in favor of the plaintiffs, returning the operation and control of the local union to the plaintiffs. These motions were heard by this Court on December 17, 1969, and since that time both sides have filed proposed findings of fact and conclusions of law together with lengthy briefs in support of their respective positions.

After due consideration of all of the testimony taken by the Trial Committee in connection with the trusteeship imposed on Local 1830, and after considering the briefs of both counsel, and the testimony adduced at the hearing held before this court, it is concluded that plaintiffs' motion for summary judgment and for the issuance of a preliminary and/or permanent injunction must be denied.

There is no doubt but that the troubles in which this local union finds itself embroiled result from the unfortunate fact that there are two incompatible factions within the union. But be that as it may, a complaint was duly filed in accordance with the provisions of the Labor-Management Reporting and Disclosure Act, 29 USCA Sec. 464, and a hearing has been held before a Trial Committee as required by the constitution of the International Longshoremen's Association. That Committee did hold a lengthy hearing and

did make its report to the Executive Committee as required by the union's constitution. The report of the Trial Committee to the Executive Committee was to the effect that a trusteeship should be imposed upon Local 1830 for reasons which, in their opinion, were included under the provisions of Title 29 USCA Sec. 462. While this Court might not agree with all of the conclusions reached by the Trial Committee, and while it may or may not have reached the same conclusions as did the Executive Committee, nevertheless, a review of the lengthy transcript of the hearings held by the Trial Committee indicate to this Court that the trusteeship imposed by the International Longshoremen's Association was imposed in good faith and in accordance with the requirements of the constitution of the International Longshoremen's Association and the Labor-Management Reporting and Disclosure Act, and therefore presumed to be a valid trusteeship for a period of eighteen months. 29 USCA Sec. 464(c). The plaintiffs have failed, in the opinion of this court, to meet the burden of demonstrating by pure and convincing proof that the trusteeship was not established in good faith, and therefore it must be presumed to be a valid trusteeship for a period of eighteen months. It is not the function of this Court to substitute its judgment for that of the Trial Committee. As long as there is substantial evidence upon which to base the judgment of the Trial Committee, this court does not have the right to set their finding aside. This court does find, as a fact, that there is substantial

testimony upon which to base the Trial Committee's conclusion that a trusteeship should be imposed upon Local 1830, and for this reason, the trusteeship should not be disturbed by this Court for a period of eighteen months following its inception.

It is, of course, the opinion of this Court, that the operation of Local 1830 should be returned to duly elected officers at the earliest possible time, and simply because the law presumes a trusteeship to be valid for a period of eighteen months does not necessarily mean that it is always necessary to continue the trusteeship for that period of time. There have been evidences in this case that both sides might agree to and would actually prefer to hold a new election of officers under the supervision of the Secretary of Labor or his designee. It is the opinion of this Court that such a course would be most beneficial to both the International Association and to Local 1830 and such a procedure is highly recommended. But since this court has concluded, after a thorough review of the record, that the decision and recommendation of the Trial Committee and the Executive Council were not without substantial evidence in support thereof, the trusteeship under which Local 1830 is presently operating is a valid trusteeship and thus the motions of the plaintiffs for a preliminary injunction and for summary judgment will be denied, and this suit will be dismissed on the merits. Judgment will be rendered accordingly.

Baton Rouge, Louisiana, this 30th day of June, 1970.

/s/ E. Gordon West
UNITED STATES DISTRICT JUDGE

United States Court of Appeals

FIFTH CIRCUIT

EDWARD W. WADSWORTH
CLERK

OFFICE OF THE CLERK

ROOM 405-400 ROYAL ST.
NEW ORLEANS, LA. 70130

January 5, 1972

Mr. Joseph A. Gladney
Attorney at Law
Suite 114, Attorneys' Bldg.
300 Louisiana Avenue
Baton Rouge, Louisiana 70802

No. 30746 - Alton J. Bailey, et al vs. George Dixon, et al.

MANDATE STAYED TO: February 4, 1972

Dear Sir:

The court has this day granted a stay of the issuance of the mandate to the date as shown above. If during the period of the stay there is filed with the clerk of this court a notice from the clerk of the Supreme Court that the party who has obtained the stay has filed a petition for the writ in that court, the stay shall continue until final disposition by the Supreme Court. Upon the filing of a copy of an order of the Supreme Court denying the petition for writ of certiorari the mandate shall issue immediately under Rule 41, FRAP.

Under revised Rule 21(1) of the Supreme Court effective July 1, 1970, a record is no longer required in connection with an application for writ of certiorari, and therefore will not be routinely prepared by this office (38LW 3502).

Enclosed is a copy of the opinion, judgment and order denying rehearing which are still required by the Supreme Court to be incorporated as an appendix to your petition.

Very truly yours,

EDWARD W. WADSWORTH, Clerk

By Clyde Hise Staiger
Deputy Clerk

enc.
cc: Mr. Johnnie A. Jones
Mr. Julius Miller
Mr. Joseph W. Cole, Jr.
Mr. Clarence G. Kirby
Mr. Louis Harden

APPENDIX "G"
80

United States Court of Appeals
FIFTH CIRCUIT

EDWARD W. WADSWORTH
CLERK

OFFICE OF THE CLERK

ROOM 408-400 ROYAL ST.
NEW ORLEANS, LA. 70130
TEL. NO. 527-6514

February 10, 1972

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

Re: No. 30746 - Alton J. Bailey, et al vs. George Dixon, et al.

Gentlemen:

The following action has this day been taken in the above case:

( ) Motion to consolidate granted.

( ) Motion to supplement or correct record granted.

( ) Motion for leave to file supplemental brief granted.

(XX) A further stay of mandate has been granted to and including March 11, 1972.

( ) The Court's opinion-order on petition for rehearing and petition for rehearing en banc has this day been rendered and a copy thereof is enclosed.

( ) Joint Motion as to time for filing briefs granted.

( ) Order enclosed has been entered.

( )

Very truly yours,

EDWARD W. WADSWORTH, Clerk

By Clerk
Deputy Clerk

/cms
cc: Mr. Joseph A. Gladney
Mr. Johnnie A. Jones
Mr. Julius Miller
Mr. Joseph W. Cole, Jr.
Mr. Clarence G. Kirby
Mr. Louis Harden

3-11 pm

APPENDIX "H"

Appendix "H" is the transcript of the Trial Committee Hearing conducted by the International Longshoremen's Association at Baton Rouge, Louisiana on August 12, 1969, which transcript is contained in the certified copy of the record filed herein and which is made a part hereof by reference.

APPENDIX "I"

The following are the pertinent provisions of the Labor-Management Reporting and Disclosure Act of 1959:

"Sec. 101(a)(5). Safeguards against Improper Disciplinary Action.--No member of any labor organization may be fined, suspended, expelled, or otherwise disciplined except for non-payment of dues by such organization or by any officer thereof unless such member has been (A) served with written specific charges; (B) given a reasonable time to prepare his defense; (C) afforded a full and fair hearing. 29 U.S.C. sec. 411(a)(5)

"Sec. 302--Trusteeships shall be established and administered by a labor organization over a subordinate body only in accordance with the constitution and bylaws of the organization which has assumed trusteeship over the subordinate body and for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate

objects of such labor organization. 29 U.S.C., sec. 462

"Sec. 304(c). In any proceeding pursuant to this section a trusteeship established by a labor organization in conformity with the procedural requirements of its constitution and bylaws and authorized or ratified after a fair hearing either before the executive board or before such other body as may be provided in accordance with its constitution or bylaws shall be presumed valid for a period of eighteen months from the date of its establishment and shall not be subject to attack during such period except upon clear and convincing proof that the trusteeship was not established or maintained in good faith for a purpose allowable under Section 302. After the expiration of eighteen months the trusteeship shall be presumed invalid in any such proceeding and its discontinuance shall be decreed unless the labor organization shall show by clear and convincing proof that the continuation of the trusteeship is necessary for a purpose allowable under section 302. In the latter event the court may dismiss the complaint or retain jurisdiction of the

cause on such conditions and for such period as it deems appropriate." 29 U.S.C. 464(c).

CERTIFICATE OF SERVICE

I certify that I have this day mailed a copy of the foregoing petition for Writ of Certiorari, together with the appendices to the following named persons:

Julius Miller
GLEASON & MILLER
1450 Broadway
New York, New York 10018

Joseph W. Cole, Jr.
COLE & CLAIBORNE
710 Louisiana Avenue
Port Allen, Louisiana

Clarence G. Kirby
Local 1830, ILA
395 Court Street
Port Allen, Louisiana

Louis Harden
Local 1830, ILA
395 Court Street
Port Allen, Louisiana

Baton Rouge, Louisiana, this 11th day of March, 1972.

Joseph A. Gladney

JOSEPH A. GLADNEY

Appendix: J

United States Court of Appeals

FIFTH CIRCUIT

EDWARD W. WADSWORTH
CLERK

OFFICE OF THE CLERK

ROOM 408-400 ROYAL ST.
NEW ORLEANS, LA. 70130

March 8, 1972

Mr. Joseph A. Gladney
Attorney at Law
Suite 114, Attorneys' Bldg.
300 Louisiana Avenue
Baton Rouge, La. 70802

Re: No. 30746 - Alton J. Bailey, et al. vs. George Dixon, et al.

(1) Motion For Additional Stay of Mandate

(2) *March 15, 1972

Dear Sir:

I am authorized by this Court to advise that the above (1) has been received and filed, and under the rules and practice of this Court will be presented for ruling without oral argument on the date* shown in column (2) above, together with any response or opposition that may be filed by opposing counsel by that date.

Very truly yours,

EDWARD W. WADSWORTH, Clerk

By Claudette Staiger
Deputy Clerk

cc: Mr. Johnnie A. Jones
Mr. Julius Miller
Mr. Joseph W. Cole, Jr.
Mr. Clarence G. Kirby
Mr. Louis Harden

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SUPREME COURT, U. S.

FILED
APR 28 1972
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

October Term, 1971
No. 71-1177

ALTON J. BAILEY, LEROY SMITH, and THE GENERAL LONGSHOREWORKERS INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL UNION NO. 1830, PORT ALLEN, LOUISIANA,

Petitioners,

- versus -

GEORGE DIXON, THOMAS W. GLEASON, RALPH MASSEY, MARK L. YOUNG, and the INTERNATIONAL LONGSHOREMEN'S ASSOCIATION,

Respondents.

BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

JULIUS MILLER
THOMAS W. GLEASON
Attorneys for Respondents
1450 Broadway, New York, N. Y. 10018

(2999)

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IN THE SUPREME COURT OF THE
UNITED STATES

October Term, 1971

No. 71-1177

ALTON J. BAILEY, LEROY SMITH, and THE GENERAL LONGSHOREWORKERS INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL UNION NO. 1830, PORT ALLEN, LOUISIANA,

Petitioners,

- versus -

GEORGE DIXON, THOMAS W. GLEASON, RALPH MASSEY, MARK L. YOUNG, and the INTERNATIONAL LONGSHOREMEN'S ASSOCIATION,

Respondents.

BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

B

STATEMENT OF THE CASE

Petitioners (hereinafter "Bailey") seek review of a judgment of the District Court (314 F.Supp. 452) affirmed by the Court of Appeals for the Fifth Circuit (66 LC ¶12,201) sustaining the imposition of a trusteeship by the International Longshoremen's Association (hereinafter "ILA") over one of its constituent Locals, Local 1830.

ILA, under its Constitution (Gleason's 5-A 252)*, Article XX, Section 1, is authorized to impose a trusteeship upon a Local for any of the following purposes:

1. to correct corruption,
2. to correct financial malpractices,
3. to assure the performance of collective bargaining agreements,
4. to assure the performance of the duties of a collective bargaining representative,
5. to restore democratic procedures,
6. otherwise to carry out the objects and purposes of the ILA.

The foregoing purposes are essentially the same as those set forth in the Labor Management Reporting and Disclosure Act (LMRDA) §302, 29 U.S.C.A. §462, which follows:

* References to Appendix in Court of Appeals

"Trusteeships shall be established and administered by a labor organization over a subordinate body only in accordance with the constitution and bylaws of the organization which has assumed trusteeship over the subordinate body and for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of such labor organization. Pub. L. 86-257, Title III, §302, Sept. 14, 1959, 73 Stat. 531."

As stated therein, the only requirement under LMRDA in imposing a trusteeship is that it shall be imposed in accordance with the Constitution and By-Laws of the organization imposing the trusteeship.

The ILA received a petition (A 343-345) containing charges against Bailey including charges that:

(a) Bailey had excluded the duly elected financial secretary and the duly elected recording secretary from the union hall, their minutes and other documents; and

(b) had subverted and placed funds of the Local in a checking account which required only his signature in violation of the ILA and Local's Constitutions

(Gleason's 5-A 252). The petition asked ILA to impose a trusteeship over the Local.

The Executive Council of the ILA, in accordance with the Constitution (Gleason's 5-A 252), Article XX, Section 2, appointed a Committee to hear evidence on the charges and report back to it.

By letter dated July 11, 1969 (A 360), Bailey was provided with a copy of the petition. The letter also set July 29, 1969 as the date for a hearing on the charges. The hearing was adjourned until August 12, 1969, at the request of Bailey's counsel, who was unavailable for the July 29th date.

On August 12th, the hearing was held. It started at 11 A.M. and lasted almost to 12 Midnight. The transcript of the hearing (Appendix H to Petition) consists of almost 500 pages.

Subsequent to the hearing, Bailey's counsel, in a letter to Thomas W. Gleason, President of the International, and a Repondent herein (A 130-131) stated:

> "I want to thank you and your committee for giving my client, the Local 1830 and its officers, a chance to be heard at the hearing held by the Trial Committee on Tuesday, August 12, 1969. I want to thank you personally for the courtesy extended me in changing the hearing date from

July 29, 1969, to August 12, 1969, so that I could appear and be heard.

The Committee heard all of our evidence *** "

It is to be noted that the foregoing letter contained no charges that the Trial Committee was prejudiced in any way nor as Petitioner alleges herein (P. 12)* that

"the hearing was not full and fair but rather was of the nature of a 'kangaroo' court * * * "

On September 26, 1969, the Committee submitted its report (A 339-342) to the Executive Council, recommending that Local 1830 be placed in trusteeship. On October 1, 1969, the Executive Council voted to impose a trusteeship over Local 1830.

Bailey then instituted an action in the District Court to have the trusteeship held invalid.

A hearing on Bailey's motion for a preliminary injunction and summary judgment was held in the District Court. (A 81-224)

At the hearing, Bailey's counsel raised the following points:

* Refers to Pages in Petition

(a) The hearing before the Trial Committee did not meet the requirements of the LMRDA. The Trial Committee was prejudiced. (A 88-89).

(b) The Trial Committee lacked jurisdiction because the charges were not filed with the Local. (A 91)

(c) There was insufficient evidence to support the findings. (A 93)

It was stipulated that the evidence in support of Bailey's motion for a preliminary injunction could be used in support of Bailey's action for a permanent injunction. (A 102)

On June 26, 1970, while the matter was still pending before the District Court, Bailey filed a motion (A 277) in which he sought an order of the court requiring ILA to hold an election of officers for Local 1830. The motion was denied on June 30, 1970. (A 281)

The District Court upheld the validity of the trusteeship and in its Findings of Fact and Conclusions of Law (P. Appendix "B" 75-76) stated:

> "There is no doubt but that the troubles in which this local union finds itself embroiled result from the unfortunate fact that there are two incompatible factions within the

union. But be that as it may, a complaint was duly filed in accordance with the provisions of the Labor-Management Reporting and Disclosure Act, 29 USCA §464, and a hearing has been held before a Trial Committee as required by the constitution of the International Longshoremen's Association. The Committee did hold a lengthy hearing and did make its report to the Executive Committee as required by the union's constitution. The report of the Trial Committee to the Executive Committee was to the effect that a trusteeship should be imposed upon Local 1830 for reasons which, in their opinion, were included under the provisions of Title 29 USCA §462. While this Court might not agree with all of the conclusions reached by the Trial Committee, and while it may or may not have reached the same conclusions as did the Executive Committee, nevertheless, a review of the lengthy transcript of the hearings held by the Trial Committee indicate to this Court that the trusteeship imposed by the International Longshoremen's Association was imposed in good faith and in accordance with the requirements of the constitution of the International Longshoremen's Association and the Labor-Management Reporting and Disclosure Act, and therefore presumed to be a valid trusteeship for a per-

iod of eighteen months. 29 USCA §464(c). The plaintiffs have failed, in the opinion of this Court, to meet the burden of demonstrating by pure and convincing proof that the trusteeship was not established in good faith, and therefore it must be presumed to be a valid trusteeship for a period of eighteen months. It is not the function of this Court to substitute its judgment for that of the Trial Committee. As long as there is substantial evidence upon which to base the judgment of the Trial Committee, this Court does not have the right to set their finding aside. This Court does find, as a fact, that there is substantial testimony upon which to base the Trial Committee's conclusion that a trusteeship should be imposed upon Local 1830, and for this reason, the trusteeship should not be disturbed by this Court for a period of eighteen months following its inception." (emphasis supplied)

Judgment was entered July 9, 1970 (A 292) and on July 20, 1970, Bailey moved for a new trial (A 293-298) alleging that the refusal of the Administrator to accept Bailey's tender of dues showed bad faith by the ILA against him.

In his Statement of the Case herein (P. 18) Bailey alleges that in an affidavit

filed by Julius Miller, counsel for the ILA, it was admitted that Bailey's dues had been wrongfully refused by the Administrator.

This statement is an attempt to mislead this Court as to the action of the ILA in this matter. The affidavit of Julius Miller (A 305-307) clearly indicated the good faith of the International in authorizing the Administrator to accept the dues of Bailey.

The ILA, if as Bailey would have this Court believe, was seeking to oust Bailey from the union, could have strictly interpreted the Local's By-Laws and the International Constitution and found that Bailey's failure to pay dues after the imposition of the trusteeship was sufficient to drop him as a member. Instead, the ILA found that since there was a court action pending, Bailey was not in the same position as other members who had been dropped for failure to pay dues and would not have to pay a new initiation fee. (A 305)

The ILA's good faith towards Bailey was apparent by its action in this instance.

The District Court dismissed the motion for a new trial. (A 304)

The Court of Appeals affirmed, stating: (P. 64)

"We have reviewed the record and find that the Trial Committee's result is supported by substantial evidence and that the District Judge acted correctly when he ordered that,

> '[T]he motions of the plaintiffs for a preliminary and/or permanent injunction and for summary judgment will be denied, and this suit will be dismissed on the merits.' 314 F.Supp. at 454."

A Petition for Rehearing was denied. (P.65-71)

ARGUMENT

POINT I

THE FINDINGS OF THE DISTRICT COURT THAT THE TRUSTEESHIP OVER LOCAL 1830 WAS IMPOSED IN GOOD FAITH AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE CONSTITUTION OF THE ILA AND THE LABOR MANAGEMENT REPORTING AND DISCLOSURE ACT, §301, et. seq., 29 USC. §461, et seq., AND THAT THERE WAS SUBSTANTIAL EVIDENCE TO IMPOSE SUCH TRUSTEESHIP ARE NOT "CLEARLY ERRONEOUS" WITHIN THE MEANING AND INTENT OF RULE 52, FEDERAL RULES OF CIVIL PROCEDURE.

The Labor Management Reporting and Disclosure Act §302, 29 U.S.C. §462 sets forth the rules for the establishment of trusteeships as follows:

> "Trusteeships shall be established and administered by a labor organization over a subordinate body only in accordance with the constitution and bylaws of the organization which has assumed trusteeship over the subordinate body ..... "

The District Court, in its opinion stated: (P. 75-76)

> "* * * * a complaint was duly filed in accordance with the provisions of the Labor-Management Reporting

and Disclosure Act, 29 USCA Sec. 464, and a hearing has been held before a Trial Committee as required by the constitution of the International Longshoremen's Association. That Committee did hold a lengthy hearing and did make its report to the Executive Committee as required by the union's constitution. The report of the Trial Committee to the Executive Committee was to the effect that a trusteeship should be imposed upon Local 1830 for reasons which, in their opinion, were included under the provisions of Title 29 USCA Sec. 462. While this Court might not agree with all of the conclusions reached by the Trial Committee, and while it may or may not have reached the same conclusions as did the Executive Committee, nevertheless, a review of the lengthy transcript of the hearings held by the Trial Committee indicate to this Court that the trusteeship imposed by the International Longshoremen's Association was imposed in good faith and in accordance with the requirements of the constitution of the International Longshoremen's Association and the Labor-Management Reporting and Disclosure Act, and therefore presumed to be a valid trusteeship for a period of eighteen months. 29 USCA Sec. 464(c).* * * "

The Act, §304(c), 29 U.S.C. §464(c) provides:

> "In any proceeding pursuant to this section a trusteeship established by a labor organization in conformiy with the procedural requirements of its constitution and bylaws and authorized or ratified after a fair hearing either before the executive board or before such other body as may be provided in accordance with its constitution or bylaws shall be presumed valid for a period of eighteen months from the date of its establishment and shall not be subject to attack during such period except upon clear and convincing proof that the trusteeship was not established or maintained in good faith for a purpose allowable under section 462 of this title." (emphasis supplied)

The District Court found that: (P. 76)

> "* * * The plaintiffs have failed, in the opinion of this court, to meet the burden of demonstrating by pure and convincing proof that the trusteeship was not established in good faith, and therefore it must be presumed to be a valid trusteeship for a period of eighteen months.* * *"

Since the trusteeship imposed over Local 1830 was established in good faith in accordance with the procedural requirements of ILA's Constitution, it was entitled to the presumption of validity provided for by the statute in the proceeding in the District Court.

On the other hand, Bailey was required to establish in the District Court, by clear and convincing proof that the trusteeship was not established in good faith. The requirement of clear and convincing proof to upset a trusteeship was specifically included in the Act to give international unions freedom of action in imposing such trusteeships when it was deemed necessary.

The question as to whether the proof should be "clear and convincing", or a lesser degree was debated in the United States Senate.

> Mr. Lausche: "* * * There is contained in the bill language to the effect that the receivership shall continue unless a complaint, by clear and convincing proof, shows that the trusteeship has not been established in good faith."
>
> Mr. Dodd: "That is what is called the highest evidentiary standard we have in our law. Does not the Senator agree with me?"

Mr. Lausche: "I know of no other standard in law which is higher."

Mr. Dodd: "A very heavy burden would be put on the local union member under the clear and convincing proof doctrine. A craftsman trying to fight the unfair imposition of a trusteeship on a local would be burdened with the hardest evidentiary doctrine in law."

Mr. Ervin: "I am sure the Senator would not want it to be unclear and unconvincing proof."

Mr. Dodd: "No, but it ought to be reasonable proof. That is ordinarily the doctrine."

The Labor Reform Law, Bureau of National Affairs, Appendix G 4, pps. 431-434,

Congressional Record 4/24/59, pps. 5982-5985

However, the viewpoint expounded by Senator Dodd was not accepted and the clear and convincing requirement was adopted.

The following is an excerpt from the House Labor Committee's Report on Trusteeships. The Labor Reform Law, Bureau of National Affairs, p.282:

"The bill supplies a guideline for determining whether a trusteeship meets the statutory standard. Recognizing the delicate judgments which international officers are called upon to make in imposing a trusteeship and conscious of the relative inexpertness of outsiders, the bill provides that for 18 months a trusteeship--

> shall be presumed valid * * * and shall not be subject to attack during such period except upon clear and convincing proof that the trusteeship was not established or maintained in good faith for a purpose allowable under section 302.

The presumption is available, however, only if the trusteeship was instituted and maintained in procedural conformity with the constitution and by-laws of the international labor organization and authorized or ratified after a fair hearing either by its executive board or other body provided in its constitution. This limitation will encourage the use of fair procedure within the union. The purpose is to make it plain that an honest decision by the international officials is not to be overturned during the first 18 months of the receivership upon a question of fact or of degree or of judgment as to the necessity for im-

posing it. On the other hand, if dishonesty or bad faith is proved, either with respect to the establishment or maintenance of a trusteeship, the bill provides a remedy." (emphasis supplied)

The foregoing Report, in discussing suits in the District Courts brought by a member, states at p. 283:

"The suit would be tried in the same manner as any proceeding in equity except that the presumptions described above would be controlling in the absence of countervailing evidence." (emphasis supplied)

Bailey produced no countervailing evidence and the District Court (A 290) properly determined that Bailey had failed to meet the burden imposed upon him by statute in his attempt to invalidate the trusteeship.

However, Bailey, in his Petition herein, attempts to persuade this Court that the ILA had no evidence to support a trusteeship, despite the record of almost five hundred pages, and the unanimous report of the Hearing Committee.

The Committee's report stated, in part, (A 339-342) as follows:

"Many of the charges made against Alton J. Bailey were sufficiently established in a voluminous record con-

sisting of over 500 pages.

In recommending that a trusteeship be imposed over Local 1830, the Committee relies principally on certain charges contained on Page 2 of the Charges to the International.

It was charged that President Bailey had 'subverted certain funds from the checking account of the said Local and has placed same in a checking account in the First National Bank of Port Allen which requires only his signature, all in violation of the Local and International Constitution and the laws of the United States.'

The evidence established that President Bailey indeed did open an account as charged with only his name as signatory.

The International Constitution provides under Article XIII, Section 7, that:

'The Financial Secretary or Treasurer shall receive all monies paid to the Local Union and deposit them in its name in such bank or banks or invest them in such government securities as the Executive Board may direct. Unless otherwise provided by the By-Laws, he shall sign all checks drawn upon the Local Union.'

The Local's By-Laws do not provide otherwise and the opening of the bank account by President Bailey with only his name as signatory is clearly a violation of both the International Constitution and the Local's By-Laws.

President Bailey was also charged with excluding the Financial Secretary from the Union Hall and preventing him from having access to those documents required for the performance of his duties.

Mark Young was duly elected and installed as the Secretary-Treasurer (Financial Secretary), however, Mr. Young testified on Page 73 of the transcript that President Bailey had had the locks to the Local offices changed; that he requested a key to the locks and a combination to the safe so that he could go to work and that President Bailey told him:

'if I decide you need one, I will let you have one.'

This testimony was confirmed by the testimony of President Bailey himself. Mr. Bailey testified at Page 473:

'What Mr. Mark Young means is that he wants a key to -- he wants access

to the building any -- any time he wants it, twelve o'clock at night, one o'clock in the morning or any other time he sees fit to come in, open the safe or to do whatever he wants to do with the records of the organization: I don't see it that way.'

He was asked by the Chair:

"Q. Isn't he financial secretary of the Local?
A. Yes, he's financial secretary of the local. That doesn't give him the authority --
Q. Does he have access to the combination of the safe of the Local?
A. I'm supposed to have access to it.
Q. I said does Mr. Young have it?
A. I'm supposed to have access to it.
Q. I said does Mr. Young have it?
A. No, he does not. He had it until he abused it.'

The Committee finds from all the evidence that President Bailey did in fact prevent Mark Young, duly elected Secretary-Treasurer, from carrying out the duties of his office.

It was also charged as follows:

'WHEREAS, on Monday, June 16, 1969 President Alton J. Bailey, aided and

assisted by certain other members of the Local, who purported to act as officers of the Local, did, in violation of the Constitution of International and in violation of the Constitution of the Local, introduce, read and pass certain legislation which amended the Constitution of the Local without notice to the membership, without due reading as required by the Local Constitution and without due reading at two successive meetings, all in violation of the Constitution of Local 1830 and the International Constitution;'

The Committee finds that President Bailey, at the meeting of June 16, 1969, permitted a vote to be taken to lower the initiation fee from $500 to $200 in violation of the Local's By-Laws which prohibits a resolution of this nature from being voted upon at the meeting at which it was introduced. This vote was taken although objections to such vote were made from the floor, as testified to on Pages 214, 215 by Louis Harden, the Business Agent for the Local, and also by Edison Jones, the Recording Secretary, at Pages 192, 193. Mr. Jones was asked:

'Q. What was the objection?

He answered:

A. Well, some of the members say he couldn't do it because it was only brought up that night and a resolution couldn't be brought up one night and passed the same night.

Q. Was there any response from the Chair to that?

A. No, sir, I didn't hear one.'

On the basis of our findings and the entire record, it is the opinion of this Committee that in order to correct financial malpractice, to restore democratic procedures and to assure the performance of the duties of the Local as a collective bargaining representative, that Local 1830 be placed under a trusteeship in accordance with Article XX of the International Constitution." (emphasis supplied)

The report of the Hearing Committee is quoted at length to demonstrate clearly that there was indeed, as found by the Courts below, substantial evidence on which the ILA relied to impose the trusteeship.

However, if the foregoing findings were not sufficient to have convinced the District Court that there was an adequate basis under both the ILA Constitution and the LMRDA to impose the trusteeship, the hearing before the Court was certainly persuasive.

At the hearing, Bailey testified that he had refused to give the duly elected Financial Secretary the combination to the safe (A 118, 133), refused to give him the key to the union hall (A 118, 139), and would only give him one, if he (Bailey) thought he needed one (A 139), permitted the constitution of the local to be suspended (A 159) in order to amend the initiation fee, and opened a bank account with only himself as signatory. (A 135)

It is evident that the District Court's findings were not "clearly erroneous" but in fact, clearly consistent with the evidence before it.

Nevertheless, Bailey (P-19) states:

> "The Fifth Circuit quoted from the opinion of the District court and adopted the District Court's erroneous conclusion that the International was in good faith in imposing the trusteeship over Local 1830. The Fifth Circuit also adopted the District Court's erroneous conclusion that there was substantial evidence upon which the International's trial committee based its recommendation that trusteeship be imposed, and the Fifth Circuit adopted and approved the erroneous principle of law as stated by the District Court that if the conclusion of the trial committee was

based upon substantial evidence, the District Court does not have the right to set their finding aside. * * * "

It is respectfully submitted that the Fifth Circuit did not merely adopt the District Court's finding as to the substantiality of the evidence. The Court's opinion (P. 64) states:

> "We have reviewed the record and find that the Trial Committee's result is supported by substantial evidence and that the District Judge acted correctly when he ordered that, (emphasis supplied)
>
> '[T]he motions of the plaintiffs for a preliminary and/or permanent injunction and for summary judgment will be denied, and this suit will be dismissed on the merits.' 314 F. Supp. at 454."

However, Bailey now urges this Honorable Court (P. 44) to read the transcript of the Hearing (P-Appendix H) and re-evaluate the evidence adduced at the hearing before the Committee and before the trial court to determine if it was sufficient to impose a trusteeship.

This Court has stated that concurrent findings of the two lower courts will be accepted without re-examination. United States v. O'Donnell, 303 U.S. 501, 508.

Allen v. Trust Company of Georgia, 326 U.S. 630, 636. The record is devoid of any substantial reasons requiring a departure from this policy.

POINT II

THERE IS SUFFICIENT PRECEDENT AND VALID REASONING IN THE DISTRICT COURT'S HOLDING THAT IT IS NOT THE FUNCTION OF THE COURT TO SUBSTITUTE ITS JUDGMENT FOR THAT OF THE TRIAL COMMITTEE.

It has been held that a Court may not weigh the gravity of the conduct leading to a trusteeship, nor can it make its own findings of fact; Barbour v. Sheet Metal Workers International Assn. 401 F.2d 152 (C.A. 6th-1968); nor may a Court substitute its judgment for that of the judgment of the trial committee or executive council. Vars v. Int. Brotherhood of Boilermakers, 215 F. Supp. 943, 949, aff'd. 320 F.2d 576 (C.A. 2d-1963).

In Vars v. Int. Brotherhood of Boilermakers, supra, the Court of Appeals stated:

> "Both parties agree that in an action of this kind, judicial review of the findings of the Union tribunal is limited in nature. The courts are not free to substitute their judgment for that of the trial court or to re-examine the evidence to determine

whether it would have arrived at the same conclusion that was reached by the trial body. Rosen v. District Council No. 9 of New York City, 198 F.Supp. 46 (S.D.N.Y. 1961) Phillips v. Teamsters, Chauffeurs, etc., Local Union No. 560, 209 F.Supp. 768 (D.C. N.J. 1962)."

The Barbour v. Sheet Metal Workers case, supra, is similar to the factual situation involved in the instant case. In that case, the International Trial Board, as quoted by the Court, p. 155, found:

"The record in this case establishes that all has not been well in Local Union No. 292 for some time. It is clear that the normal and proper functioning of the local union was being seriously impaired. This state of affairs may have been brought about by a personal feud between Brother Barbour, who was its president, and Brother Edwin Walters, its Business Representative and Financial Secretary-Treasurer, or it may have been attributable to other causes. * * * "

"The facts out of which the charges against Brother Barbour arose are largely undisputed. Except in minor detail, Brother Barbour, in effect, admitted the acts with which

he was charged. His defense is predicated on the grounds that his actions did not constitute a violation of the International Constitution; that in any event they were justified by existing conditions in the Local union and that the existence of a pending court case excused his defiance of the trusteeship."

As in the Barbour case, Bailey herein has attempted to justify his actions. Although in the Barbour case, the President was expelled, it was the opinion and recommendation of the Trial Committee herein that the proper remedy was to place the Local in Trusteeship.

In Barbour, the District Court ordered reinstatement of the President. The Court of Appeals said at p. 157:

"The District Judge's opinion states his own conclusion that the General Executive Council affirmed the expulsion 'without consideration of charge 5'. We doubt the propriety of impeaching the Trial Board's order by later inquiry into the mental processes of two of its members, as was attempted by counsel for appellee".

POINT III

THE DECISIONS OF THE DISTRICT COURT AND THE COURT OF APPEALS HEREIN DO NOT CONFLICT WITH THE DECISIONS OF ANY OTHER CIRCUIT COURT OF APPEALS.

Petitioner alleges (P. 20) that the decision of the Fifth Circuit conflicts with the decision in Schonfeld v. Raftery, 271 F.Supp. 128, affirmed, 381 F.2d 446 (2nd Cir-1967), and the decision of the Tenth Circuit in United Brotherhood of Carpenters and Joiners of America v. Brown, 343 F 2d 872 (1965).

It is respectfully submitted that there is no conflict between the decision herein and the cases cited by Petitioner.

In the Schonfeld case, the District Court found that a trusteeship had been imposed in bad faith. The Court of Appeals affirmed, stating at p. 447:

> "The record and opinion below make clear that the finding of bad faith was not only not 'clearly erroneous' but was amply justified. * * * "

On the other hand, in the instant case, the District Court found that the trusteeship was established in good faith, a finding affirmed by the Court of Appeals.

The results in Schonfeld v. Raftery, supra, and the result in the instant case are based upon different findings of fact and do not conflict one with the other.

The trusteeship in the United Brotherhood case, supra, relied upon by Bailey was held invalid for two reasons, first, because the labor organization's constitution and by-laws contained no specific provision authorizing it to impose a trusteeship, and, second, because it was not imposed for the purposes set forth in Section 302. The Court of Appeals, p. 881, stated:

> "An examination of the constitution and bylaws of the United Brotherhood discloses that there is no specific provision authorizing it to impose a trusteeship on any of its subordinate locals."

In the instant case there is such authority, a fact not disputed by Bailey.

As to the reasons for imposing the trusteeship herein, they are spelled out in the Committee's Report (A 339-342) which first reviewed some of the evidence (see pp 17-22 supra) adduced at the hearing and stated:

> "On the basis of our findings and the entire record, it is the opinion of this Committee that in order to correct financial malpractice, to

restore democratic procedures and to assure the performance of the duties of the Local as a collective bargaining representative, that Local 1830 be placed under a trusteeship in accordance with Article XX of the International Constitution.

We make the foregoing recommendation with regret on one hand but awareness on the other that in order to carry out our duties as the Executive Council of the International Union and to the Local that such trusteeship be imposed in the best interest of Local 1830 and its membership."

CONCLUSION

THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE DENIED.

Respectfully submitted,

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SUPREME COURT, U. S.

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1971

No. 71-1177

ALTON J. BAILEY, LEROY SMITH, and THE GENERAL LONGSHOREWORKERS INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL UNION NO. 1830, PORT ALLEN, LOUISIANA

Petitioners

VERSUS

GEORGE DIXON, THOMAS W. GLEASON, RALPH MASSEY, MARK L. YOUNG, AND THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION

Respondents

REPLY BRIEF IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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IN THE SUPREME COURT OF THE
UNITED STATES

October Term, 1971

No. 71-1177

Alton J. Bailey, Leroy Smith, and The General Longshoreworkers International Longshoremen's Association, Local Union No. 1830, Port Allen, Louisiana

versus

George Dixon, Thomas W. Gleason, Ralph Massey, Mark L. Young, and The International Longshoremen's Association

---

REPLY BRIEF OF PETITIONERS

MAY IT PLEASE THE COURT:

In view of the erroneous statements and conclusions made by respondents in their brief in opposition to the petition for writ of certiorari, petitioners respectfully submit the following:

Respondents at page 3 of their brief mislead the court in stating that the ILA merely "received a petition containing charges against Bailey." The real facts are set forth at pages 7 and 9 of the petition for certiorari. On said pages it is stated that on March 3, 1969, only four days after Bailey's installation as president, a petition was dated and circulated for signing and that after receiving same, the ILA imposed trusteeship, and that the Fifth Circuit affirmed the trial court's decision that the trusteeship was invalid because no prior hearing had been held as required by the LMRDA. At page 9 of the petition it is stated that three days after the said Fifth Circuit decision, or on June 26, 1969, respondents again started trusteeship proceedings, this time purporting to comply with the fair hearing requirement by scheduling a so-called hearing on August 12, 1969. Therefore, the statement by respondents on page 3 of their brief is misleading and tends to omit the critical facts that there were <u>two</u> petitions containing <u>false</u> charges, the first of which was circulated only <u>four days</u> after Bailey took office, and the second of which was circulated only <u>three days</u> after the Fifth Circuit held the first trusteeship invalid for want of a full and fair hearing; the two petitions

did not include the same charges; the charging parties were political opponents of Bailey who Bailey had defeated in the election held in January-February, 1969, and respondent's brief attempts to overlook all of the facts which point to bad faith on the part of respondents from the inception of the first tursteeship and continuing throughout this controversy.

Respondents' brief is also misleading on page 4 with reference to the letter written by counsel for petitioners to Gleason. The letter, which is in evidence and is dated August 16, 1969, was written during the interim between the trial committee hearing on August 12, 1969, and the decision of the Executive Council on October 1, 1969, illegally placing the local in trusteeship contrary to the evidence received at the hearing. The letter, when considered as a whole and not in the piecemeal lifting-out-of-context manner as respondents have done in their brief, does not in any manner concede that the charges were proved against Bailey, that the hearing was full and fair, or that a lawful ground for trusteeship was proved before the ILA trial committee. The 546-page transcript of said hearing is the best evidence of its contents, and petitioners respectfully implore Your Honors to do what the ILA Executive Council and the two courts below failed to do; i.e., search the record for facts which would support a lawful trusteeship and not rely upon mere self-serving conclusions of the ILA's handpicked trial committee that "most of the charges against Bailey were sufficiently established" and that "it is the

opinion of this committee" that a lawful cause exists for the invoking of the drastic measure of trusteeship over the entire Local and removing all elected officers from office when only one officer, Bailey, was charged with any wrongdoing, and that was not proved.

Petitioners are not asking this Honorable Court to go against the rules announced in United States v. O'Donnell, 303 U.S. 501, and Allen v. Trust Company of Georgia, 326 U.S. 630. Petitioners are not asking Your Honors to retry the facts. Petitioners are, however, asking Your Honors to do what the courts below failed to do; namely, read the transcript of the trial committee hearing held on August 12, 1969 (Appendix H to the petition), and then decide whether, as a matter of law, there is substantial evidence to support imposition of trusteeship under the statutory criteria of Sec. 302 of the LMRDA, 29 U.S.C. 462. The crux of petitioners' argument is merely that there is no evidence to support the imposition of trusteeship, the ILA is acting in total bad faith, and the two courts below, because of their interpretation of the law as prohibiting substitution of judgment even where the union's actions were not supported by any evidence, have failed to search the record for evidence of a lawful cause for trusteeship and therefore are giving the labor unions across the country free rein to impose trusteeships at will and without being required to prove a legal ground for imposing same.

Respondents attempt to justify their position on page 16 of their brief by emphasizing a portion of the language from the House Labor Committee's Report on Trusteeships. However, this argument is weakened by two facts: 1) there is no honest decision herein, but rather one motivated by ill will and animosity toward Bailey and bad faith in general, and 2) the first eighteen (18) months of the trusteeship expired in March, 1971, and the presumption of validity no longer exists. Respondents would have Your Honors deny writs herein so that respondent ILA and other international unions could, through such "honest decision" and no-judicial-review tactics, use the trusteeship device at will to obtain or retain control of a particular local and thus write out of the LMRDA the remedial provisions for lawsuits in the U. S. District Courts contesting same in cases such as this where no ground for invoking trusteeship has been proven.

Finally, petitioners call the court's attention to the grossly misleading manner in which respondents have quoted from the report of the three-man ILA trial committee upon which the ILA Executive Council based its decision of October 1, 1969, to impose trusteeship over Local 1830. Beginning at the bottom of page 17 and continuing through the middle of page 22 of their brief, respondents quoted from the report and properly begin said quotation with the use of quotation marks at the beginning of the first paragraph only. Thereafter, only intermittently do respondents use quotation marks, and as a result, the reader is apt to be led into the false

belief that the quotation from the trial committee report is actually a statement of facts proved by the evidence either before the ILA trial committee on August 12, 1969, or before the District Court on December 17, 1969, which it is not. Such lifting out of context on the part of the trial committee in its report, and by the respondents in their brief, tends to give a false impression of the true nature of the August 12, 1969, trial committee hearing and the facts actually proved and disproved at same. And, since neither the District Court nor the Court of Appeals went behind the conclusions of the trial committee to examine into the lengthy record of the trial committee hearing, then petitioners respectfully request that Your Honors read the record, including Appendix H, the transcript of the ILA trial committee hearing, for the sole purpose of determining if a lawful cause, under Section 302 of the LMRDA, was proved.

Petitioners further ask:

If the international union is not required to prove a lawful cause for trusteeship, then why the fair hearing requirement of Section 304(c) of the LMRDA; 29 U.S.C. §464(c)? Why require a hearing if the hearing is not to determine if there is a need for the drastic sanction of trusteeship?

If the courts are without power to review the transcript of the hearing held before the imposition of trusteeship to determine if a lawful cause for same exists, then why the civil action for

enforcement provision of Section 304(a) of the LMRDA, 29 U.S.C. §464(a)? Why take the matter to court if the court's hands are tied and the court, even if it were to find that no ground for trusteeship exists, would be powerless to do anything about it?

Under the position taken by the Fifth Circuit herein, the substance of the hearing is not important, rather, it is the procedure only which controls. That is, the Fifth Circuit takes the position that if a so-called hearing is held, whether full or fair and whether or not it brings out evidence of a lawful cause for trusteeship under the LMRDA, the law has been complied with and the court will not look into the evidence.

Moreover, the Fifth Circuit takes the position that even if it did look into the evidence or lack of evidence brought out before the Union's trial committee, the court is powerless to reverse the Union tribunal and whatever the Union does is above judicial restraint.

Petitioners respectfully submit that the rule of judicial review which the Fifth Circuit has misapplied in this case is this: If there is contained in the record of the Union hearing substantial evidence to support the ultimate conclusions reached by that tribunal, then the courts' power of judicial review and power to substitute judgment is limited. With this rule petitioners do not quarrel. However, petitioners submit that this is

not the rule applied herein by the Fifth Circuit. The Fifth Circuit has, in effect, taken the position that regardless of the substance or sufficiency of the evidence produced at the trial committee hearing, the Union is free to impose trusteeship, and the courts, even if they disagree with the Union's decision, cannot substitute their judgment for that of the Union tribunal if there is any evidence to support the Union's ultimate conclusion to impose trusteeship. This has the undesirable result of giving International union officials free rein to file charges against a political opponent of their hand-picked Local officers, conduct a sham hearing, have one or two friendly Local members testify, even falsely, against the accused Local officer, and then impose trusteeship over the entire Local, whether the charges are proved or not and whether the charges, even if proved, would come within the ambit of Section 302 of the LMRDA, which enumerates the lawful causes for trusteeships. Thus, the Fifth Circuit has written out of the LMRDA the procedural and substantive due process protections of Local union members by opening the door to Internationals to oust duly elected officers and impose trusteeship at will and without a lawful cause, just so long as the form of a hearing is complied with.

Respondents, at page 25 of their brief, urge Your Honors not to read Appendix H, the transcript of the Union trial hearing, which in itself is an admission on their part that the transcript is unfavorable to their position. Respondents cite Barbour v. Sheet Metal Workers

International Assn., 401 F.2d 152 (6th Cir. 1968), and Vars v. International Bro. of Boilermakers, 215 F.Supp. 943, 949, aff'd. 320 F.2d 576 (2d Cir., 1963). Both cases are distinguishable, however.

The Barbour decision was written by Judge O'Sullivan, who also wrote the Fifth Circuit decision in the instant case, having been specially designated to sit on the panel hearing this case in the Fifth Circuit. In Barbour, Judge O'Sullivan contradicts himself by stating what he believed to be a rule of judicial review of Union trial committee findings and then violating his own rule. The case was one in which the plaintiff, Barbour, sought judicial review of a decision of the International Trial Board (Sheet Metal Workers) expelling him from the union. The Trial Board found him guilty as charged and expelled him; the District Court reversed; the Sixth Circuit, through Judge O'Sullivan, reversed the District Court. Judge O'Sullivan states on the second page of the opinion:

> "Neither the sufficiency of the evidence supporting the Board's findings nor the propriety or fairness of the hearing out of which they came is questioned here."

However, on the third page of the opinion, he states:

> "While it was not the function of the District Judge, nor is it ours on this appeal, to weigh the gravity of

> Barbour's conduct, as background, we set out the high points."

Thus, these two statements are inconsistent, and to compound the matter, the court then goes into the findings of the Trial Board and reviews in detail the evidence against Barbour, particularly with reference to the charge that he had libelled certain International officials. And, contrary to the rule as stated by him, Judge O'Sullivan then states:

> "* * *We are satisfied, however, that a fair reading of the testimony of the two Trial Board members /who testified under cross examination by counsel for Barbour/ does not support the inference that Barbour's libeling of the International officers was of importance in his expulsion * * *." 401 F.2d at 156

Therefore, although Judge O'Sullivan states in the Barbour decision the courts are not to review the union trial body's findings, he did so himself in the same case in which he said that courts should not do so. And, respondents rely upon such weak authority for the assertion that the ILA Trial Committee transcript (Appendix H) herein is not subject to judicial review.

Moreover, Judge O'Sullivan criticized the District Court for looking

into the "mental processes" of two of the members of the Trial Board, and yet Judge O'Sullivan himself then looked into the same "mental processes" of the same two members of the Trial Board in order to conclude that the two members did not consider the libel charge against Barbour in reaching the decision to expel him from the union.

Therefore, the Barbour case is of questionable authority for the proposition advanced by respondents that the courts cannot examine the evidence of Union trial bodies but rather are bound by same and cannot substitute judgment.

The Vars case, also, does not stand for the rule as stated by respondents on pages 25-26 of their brief. Again, respondents have quoted only a portion of the case, particularly that portion favorable to their side of the case. However, the entire rule of the Vars case is stated on pages 38-40 of the petition, the rule being that judicial review, while limited, is necessary and in fact it is "implicit in the requirement of a full and fair hearing"-that the hearing transcript be subjected to judicial scrutiny to determine if there is evidence to support the conclusion reached and to provide protection for individual union members "beseiged by the full power of the International Union." (See page 38 of petition)

Therefore, respondents have misstated the law by suggesting to Your Honors that the Barbour and Vars cases preclude judicial review of union trial committee

findings, thus showing bad faith on the part of respondents and a desire on their part that the transcript of the ILA Trial Committee hearing (Appendix H herein) held on August 12, 1969, not be read by Your Honors of the Supreme Court.

Finally, respondents on page 28 of their brief attempt to distinguish the cases of Schonfeld v. Raftery, 271 F.Supp. 128, affirmed, 381 F.2d 446 (2d Cir., 1967), and United Brotherhood of Carpenters and Joiners of America v. Brown, 343 F.2d 872 (10th Cir., 1965). However, both cases are analyzed fully by petitioners at pages 22-37 of the petition, and petitioners submit that said cases are authority for holding that trusteeships must be imposed in good faith for one of the lawful causes provided in Section 302 of the LMRDA, and that when the compainants, such as petitioners herein, can show by clear and convincing proof, as petitioners have done herein, that the trusteeship was imposed in bad faith and for an unlawful cause; namely, to settle a political dispute which would be better settled at the ballot box by democratic means, then the trusteeship should be set aside by the courts as invalid. Petitioners submit that it is incumbent upon the Federal Courts to closely scrutinize any attempt on the part of International unions to usurp the powers of Local unions, deny to the rank-and-file members their basic constitutional rights, and impose trusteeship under the guise of abiding by the LMRDA and the Union constitutions, but for the real motive of maintaining political control, and in cases where bad faith and clear abuses of the

superior International union power is shown, the courts are under a duty to review the evidence and thereupon substitute their judgment for that of the self-serving Union trial body. It is with this in mind that petitioners have petitioned Your Honors of the Supreme Court for a complete review of the decisions of the courts below and of the entire record herein, including the transcript of the Trial Committee Hearing, which is part of the record as Appendix H, and which, if respondents were in good faith, they too would urge Your Honors to read and consider.

CONCLUSION

THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE GRANTED.

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